Board of County Commissioners
Eva J. Henry - District #1
Charles "Chaz" Tedesco - District #2
Emma Pinter - District #3
Steve O’Dorisio - District #4
Lynn Baca - District #5

PUBLIC HEARING AGENDA

NOTICE TO READERS: The Board of County Commissioners' meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Board members to gain a basic understanding, thus eliminating lengthy discussions. Timely action and short discussion on agenda items does not reflect a lack of thought or analysis on the Board's part. An informational packet is available for public inspection in the Board's Office one day prior to the meeting.

THIS AGENDA IS SUBJECT TO CHANGE

Tuesday
March 9, 2021
9:30 AM

Watch the virtual meeting through our YouTube Channel
https://www.youtube.com/channel/UC7KDbF1XykrY1xnf4EH5XVA

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

4. AWARDS AND PRESENTATIONS

5. PUBLIC COMMENT

A. Citizen Communication

Members of the public may submit written comments on any matter within the Board’s subject matter jurisdiction or request to speak at the meeting through our eComment system at https://adcogov.legistar.com/Calendar.aspx

Residents are encouraged to submit comments, prior to the meeting, through written comment using eComment; eComment is integrated with the published meeting agenda and individuals may review the agenda item details and indicate their position on each item. A request to speak at the meeting may also be submitted using the eComment feature. You will be prompted to set up a user profile to allow you to comment, which will become part of the official public record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting.

B. Elected Officials’ Communication

6. CONSENT CALENDAR
A. List of Expenditures Under the Dates of February 22-26, 2021

B. Minutes of the Commissioners’ Proceedings from March 2, 2021

C. Resolution Approving an Intergovernmental Agreement between the City of Thornton, Commerce City, and the County of Adams to Provide Preliminary Engineering and Environmental Design for the Widening of 104th Avenue Project (File approved by ELT)

D. Resolution Approving Ambulance Service License for the Adams County Fire Protection District (File approved by ELT)

E. Resolution Approving Ambulance Service License for University of Colorado Health (File approved by ELT)

7. NEW BUSINESS

A. COUNTY MANAGER

1. Resolution Authorizing Fifth Supplemental Appropriations to the 2020 Adams County Government Budget (File approved by ELT)

2. Resolution Approving Amendment Eight to the Agreement between Adams County and Quantum Water Consulting for Additional Services (File approved by ELT)

B. COUNTY ATTORNEY

8. LAND USE HEARINGS

A. Cases to be Heard

1. EXG2020-00001 Tucson South (File approved by ELT)

9. ADJOURNMENT

AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE
Regarding: Tucson South Gravel Pit and Aggregate Industries (AI) - (3/5/21)

Dear Commissioners,

It would be difficult to comprehend the incredible amount of time that we have invested into researching various aspects of the Tucson South Gravel Pit Application. Plus we have sat through 4 presentations (none that we were formally invited to), a 2.5 hour meeting with Chance Allen & David Foster, an hour+ with their political lobbyist Sheila MacDonald, a number of communications with Rich Vidmar (City of Aurora), participated in planning hearings and have exhausted some of your staff with emails. So please weigh in on what we have to say.

Our development, Platteview Farms Plaza, is at the gateway to the downtown district and it sits roughly 1,300’ to the east of the proposed gravel pits. We have dedicated well over a decade and a half to building it up, fighting blight in the downtown district, and working to increase the desirability of Downtown Brighton. We've lived through a recession, working 16 hour days, being buried in unimaginable debt, and selling everything we owned to make this development work. We fought through 9+ years of vacant retail space and the heartache of having to lay off some 10+ employees when we finally had to close one of our businesses, DazBog Coffee - (DEEPLY discounting lease rates to fill the empty space). The Downtown District has been moving towards being a more desirable and successful place, for BOTH businesses and consumers, and we're fighting to keep it that way! A gravel pit at the gateway WILL affect how folks feel about this community and it negates so much of what has been worked for.

There are folks who support this mine, even within the city, but they are lacking some critical insight into this permit AND the applicant. It's been very concerning how AI has gained some of their support - both by the things they say AND by the things they purposefully don't say, . . . convincing everyone how much their new application has changed, (that it is 180 degrees different to be precise!) . . . all while implying immense effort and sacrifice, a philanthropic partnership, and community outreach. They have stressed how in 8 years ALL will be complete, and that this mining project will NOW enhance the gateway into Brighton, . . . as though the ENORMOUS elephant behind the palm tree will somehow just NOT be seen or experienced. And for the most part, most folks don't even realize how little this application has changed.

For the record, and we confirmed it, in 2019 the South parcel was removed (at least in the hearings - never mind what they were doing behind the scenes), farm style fence was proposed, as was air monitoring/shared data, they had the crusher fine trail N. of Hwy 7, screening berm (west parcel), the landscaping along Hwy 7 to address visual impact (a condition precedent), same days and hours of operation, and a shorter time frame than the 8 yrs was discussed (and 8 yrs was not even new). The biggest change now is that they would START with the conveyor. They did add irrigation, fancier landscape drawings, some paths outside the FENCED reservoirs (no access), and have continually dangled the carrot of the south parcel. For us, the donation of the south parcel is a Pay to Play tactic and should never have been tied to the considerations of this use permit - OR whether or not mining is now more harmonious just because they are giving it away.
Regarding their tactics, on the day of the LAST planning hearing, Chance Allen emailed numerous individuals who had previously provided opposition comment letters to Adams County. Below are some direct quotes from Chance:

"Improves Safety with Reduced Traffic – 400 truck hauling trips a day are eliminated. This means that 800,000 trips over the lifetime of the mine are eliminated." ??? In 2019 AI represented a year (maybe two) for trucking, six days a week - minus all major holidays. Nowhere near a true representation - but folks don't know.

"The time to mine is reduced to 8 years from 10 years and the number of hours of operation was reduced by 40 hours per week. There will be no opportunity to extend the project." It was already reduced in 2019 when the south parcel was removed (actually less time was discussed). There is no making sense of the 40 hour per week reduction. ??? And we would REALLY like to know even ONE TIME that AI ever DID NOT EXCEED the time estimated. And no extension??? You CAN'T just leave a half hole in the ground.

"Creates Perpetual Community Benefit – South Parcel being donated to Adams County completes wildlife corridor. The community will have access to the site post-mine, which will include a reservoir surrounded by trails for hiking and walking." Fenced off reservoir with no parking access. You could actually apply the same use to the two reservoirs to the north on Tucson and walk/hike around their fencing. The shape of the Tucson South reservoirs (hugging the road/ boundaries) doesn't inspire a "recreating" sort of feeling.

"Enhances Landscaping (2/3 of a mile)- Landscaping provides a natural shield of the mine and will include natural grasses, bushes, and trees." Never mind what you will see between, around and above the landscaping, or at the Tucson intersection - OR coming and going from Brighton (with nicely elevated views). This impact in NOT solvable!

A Portion of Chance's letter is shown below along with the individual's reaction to it (not understanding how the response that came back wasn't under the direction of the County).

At times it has appeared to us that the modus operandi for obtaining this permit is "the end justifies the means" - a reminder of what we felt in 2019 when AI painted pictures of upland meadows, open water views, and proclaimed how the wildlife would ONLY improve with this project, . . . or told everyone they would have "seeded topsoil stockpiles" while simultaneously telling the DRMS "it may not be practical" and that they would use surface roughening "to limit wind and water erosion." The 2019 hearing packets stated "the applicant is proposing a
A conveyor system which is anticipated to be operational within a year." Even though this number flexed during the hearings, it represents an approach to throwing out a saleable number that helps you get across a threshold so that you can get your foot in the door. AI finally, just this past December, got one of the key easements they needed to be able to proceed north - but that's without the time they will need for additional permitting, engineering, and construction. And the eight year promise?? . . . never mind that Greg confirmed the county will allow slurry wall construction, and the ability to clear overburden and build berms - ALL in preparation to mining, (per the DRMS there are areas of overburden that go up to 12' deep) . . . but this pre-construction that is allowed is NOT called mining (or part of the 8 years). So why do we not just call it 9.5 years? And what happens if the market slows down or their time frame estimates were nothing but a nice saleable number to throw at everybody? Based off reality this is more than a 20 year project. **And there is no consequential teeth/penalties in this permit - for anything!**

In a previous letter I addressed another 8 year contract that AI entered into with the City of Westminster back in 2000 to create water storage vessels - and they STILL are not done. AI is now currently working on permitting the Baurer Permit up in Weld County (Wattenberg) to help finish this LONG overdue 8 year (now at 21 years) project. Please read my February 10th letter addressing that - it speaks volumes about the arbitrary numbers that AI (or other mining companies) throw out to get their foot in the door.

Regarding time frame promises, . . . AI's **Brighton Mine was permitted at the DRMS back in 1978 and has STILL not finished reclamation** - but you will see the meaningless promise about it, referenced below, while AI used it as support for gaining an extension of the Tucson North site.

**SUBMITTAL ITEM C
EXPLANATION**

Overview and Summary of Request

Aggregate Industries-WCR, Inc. (AI) has mining and reclamation permits on three properties in unincorporated Adams County north and south of SH7 on the west side of the South Platte River: Brighton Mine-PR12007-00022 (14th and Riverview Road East to the South Platte River), Tucson (North) Pit-EXG2001-00060 (Southeast Corner-168th and Tucson Street), and Tucson South Pit-EXG2004-00004 (Both sides SH7/160th Avenue on the west side of Tucson Street). The Brighton Mine and Tucson Pit properties were acquired from prior owners with existing permits that had been mined intermittently. Given the strong demand for aggregate material when these properties were acquired, AI proceeded to permit the Tucson South property with the intent to complete mining of the Brighton Mine and Tucson (North) Pit and then initiate mining of the Tucson South property.

However, because of the present general economic slowdown and the lessening of aggregate material demand, AI has decided to concentrate on completing mining of the Brighton Mine first, and then complete mining of the Tucson (North) Pit before proceeding on mining of the Tucson South property. In furtherance of this intent, AI last year amended the Brighton Mine's mining completion date to 12/31/09 and the reclamation completion date to 12/31/10.

The Tucson (North) Pit (Case #EXG2001-00006) presently has a mining and reclamation completion date of 12/31/08. This Conditional Use request is to extend the mining completion date for the Tucson Pit to 12/31/12 and the reclamation date to 12/31/13.
Noteworthy too is the reclamation plans/map for their Tucson (North) Resource Pit (reservoir east side of Tucson): "A minimum of 150 cottonwood seedling trees and 300 willow root stock shall be planted around the reservoir area of which 2/3's of these shall be placed by the S. Platte River channel area" - PLUS, . . . "A minimum of 25 cottonwood seedling trees and 50 willow root stock shall be planted around the proposed wetland area of Phase 3" (now Tract M in the new application).

Tucson Resource Mine (Tucson North) - Thornton's Reservoir on the east side of Tucson is notably naked, treeless, and bushless! Lined reservoirs (slurry walls) can be compromised by root structures so the boundaries shown for the reservoir in the proposed reclamation plan were likely nonsensical(?) and may account for why no trees or willows were ever planted around this reservoir. ?? But it no doubt sounded good on paper and sure helped sell the proposed product. Phase 3 was mined and not reclaimed but instead moved over to the Tucson South permit. It is now Tract M and AI is stating that it will become "upland meadow" when it is finally reclaimed (no trees/willows as per the original plan - how convenient). It has been sitting there for years!!! It is pictured replete with noxious thistle weeds as the cover to their application (page 20?).
**Side Notes:**

When the **Tucson South Mine** was previously permitted (2004), Al was going to use a conveyor under Hwy 7, and the east parcel off Tucson had a large notch out of it (roughly Tract G) where a number of the large cottonwood trees would have been preserved. The reclamation currently proposed for these parcels leaves the land so naked and it provides minimal land, plants, bushes, or trees (aside from those near Hwy 7) to balance out these reservoirs when complete.

**Details regarding the permit:**

- **Crusher fines from a Sand and Gravel** company would consist of pea gravel which is slippery and not safe. Hopefully there are standards that address crusher fine trails and specify granite. Living with one of these trails around our neighborhood we are very aware of the constant spraying (especially spring and early summer) that is required to keep these trails clear. Given that this is in a floodway, and that the SE corner of the East Parcel has a spillway (runoff towards the river), pesticides washing towards the river is a **VERY** serious concern and weed control done **legitimately** will require special aquatic safe pesticides. A sidewalk would not only eliminate a continual maintenance/safety issue but would provide safe opportunities for use by handicapped individuals or those rollerblading/skateboarding, etc. (below - 2013 CDOT study/suggestions)

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![Image of road segments](image)

- A condition of this **permit** is that it shall comply with the MCO which in turn requires, per (3-38-06-12), that prior to excavation, the 72" **chain link fence** topped with canted barbwire (prison fencing). Comments have been made about this type of fencing NOT being allowed in the floodway hence the 3 wire (plus appeal). However, Thornton's Reservoir is in a floodway and is entirely fenced with this ugly prison style fencing. Is this legal? There are homeless that sometimes frequent the Platte area and there were some living on the east parcel this past summer. Some of them struggle with drugs/addiction. If the 3 wire is considered safe then perhaps the regulation should be changed, and if the prison fencing is not allowed in floodways,
then perhaps someone should talk to Thornton. Consistency in standards or in applying rules and regulations is something that should be addressed.

- **Reservoirs can have various finishes** on their slopes and there are some that are much more stable and well engineered, preventing the ugly erosion that you see on many of these augmentation reservoirs even prior to 10 years out. I'm told the Ken Mitchell reservoir is already suffering this fate in areas and it is not even finished. Augmentation reservoirs may or may not have much water in them and addressing the appearance, empty or full, is important - especially in such a highly visible area. In a bad year they may have minimal water in them and wind water erosion can constantly deteriorate them.

  ![Reservoir Imagery](image1.png)

- **The Landscaping designs** AI has shown (below) are very one dimensional and do not reflect the fact that the ground drops off in areas. The tree sizing (and quantity) is absolutely unrealistic for the 3,500 linear feet comprising the southern boundary. Where trees/bushes would actually be (down and at a distance) still provides extensive views **beyond/around/above** (in a variety of areas), even with projected growth. And there are multiple additional sightlines east and west of the 2/3's mile that define the southern perimeter. Some municipalities have sightline/viewshed standards that specify what they allow to be seen from certain roadways, residential areas, or businesses, and they require that a **Viewshed Analysis** be done to more accurately determine true visibility and impact. You physically CANNOT negate the visual impact of this gravel pit.

  ![Landscape Plans](image2.png)
Above is a view point from standing on Hwy 7 and looking to the northeast (SE portion of east parcel). Visible for height reference is the existing wire fencing that is somewhat in line with the electric pole.

Note the cars/sizes on Hwy 7 to the left. This angle (down and off the road a bit, allows you to see how much of a drop there actually is). This is coming out of Brighton. The trees and landscaping won’t be up on the road. Plus deciduous trees won’t provide any screening in the winter months.
• **Trucking** - With SEVERAL miles of the bentonite slurry walls to be built - averaging 32'(?) deep (keys into bedrock 2-5') and 3'+ wide (per the DRMS), . . . and 3 lbs - 6 lbs per sq ft required (per bentonite suppliers) (more depending on how gravelly and sandy it is), I would think addressing the trucking that will be needed for supplying this would be important. Al has stated in their permit that they will stage bentonite material on Tract K (hillside, west parcel/Aurora’s land) which is accessible via Hwy 7. Or perhaps they will truck it in across the west parcel and cross two ditches to deposit it? Estimates to complete the slurry phase (depending on where you look) have run up to 6 months. (Regarding depth: It is important to note that Al has represented a variety of depths relative to WHO the audience is and what they are trying to accomplish).

![Image](Slide presented during City Council Meeting and actually Chance Allen stated mining 35-40' below.)

Test borings indicate a layer of topsoil and overburden ranging from 1 to 11 feet in depth with a typical overburden depth of 5 feet. The typical depth of topsoil to be removed is 6'. In the western part of the site, the topsoil has been tilted until recently and likely contains a significant amount of organics. The overburden is underlain by an aggregate layer with a thickness ranging from 0 to 45 feet with a typical thickness of 25 feet. In some parts of the site, the aggregate layer contains a 2- to 8-foot thick mud layer. The total depth to bedrock from the surface grade ranges from 5 feet in the west to approximately 50 feet in an apparent paleochannel in the eastern part of the site. The typical depth to bedrock is approximately 27 feet over most of the mine area. The aggregate layer overlies sedimentary bedrock of the Denver Basin. (This is per the DRMS application)

A complete soils report is attached in Exhibit I herein for reference.


• **Transparency - Why is Tract J still in the permit?** In Al’s past presentations they have shown the conveyor on the west side of Tucson St. and have purposely NOT given any acknowledgement of the De La Cruz family that lives on the E. side of Tucson St. This family will suffer HUGE impacts from this mining and if the conveyor gets moved to the east parcel it will wrap around their house and they will suffer even more. If Al is approved for the permit, in representing that the conveyor will be on the west side, then they should take Tract J out so that there is assurance that the approval is based on what is shown - not a bait & switch.

• **Employees** - Al has stated that the Tucson South Pits will ONLY utilize 5-6 employees and the Platte Valley Plant only shows 10. At the last hearing AI stated they had 19 locations or operations (Denver? Colorado?) but in previous presentations they have made it sound like the 99+/- employees they claim to have in Adams County have jobs dependent on this project. Perhaps they work for other locations?
• **Safety** - AI proudly boasts "safety first" but had safety violations this summer (Morrison Plant) ($30,993). They do have other violations listed at this link as well (including in 2020) but they are not all correctly listed specifically by their operating name (ie. some may be under Holcim (US) inc.) [https://violationtracker.goodjobsfirst.org/prog.php?parent=lafargeholcim](https://violationtracker.goodjobsfirst.org/prog.php?parent=lafargeholcim)

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• **End Use (reservoirs for Aurora)** - This permit requires (in one sense) the approval of two uses at once. There is NO WAY to guarantee at what point these ugly, fenced off reservoirs will EVER have water in them. With the Challenger Reservoir soon to be emptied, and the Walker Reservoirs soon to be emptied as well, that will leave Aurora will essentially 3 or 5 empty reservoirs. (Kirby and Dersham were joined and share one slurry wall) and Walker North (Stillwater) and Walker South are separated but share one slurry wall. If you haven't driven up north of 168th on Road 23 1/2 - it is worth the drive! Roam around up to Wattenberg! Very eye opening. There should be specific criteria for appearance, construction, care, maintenance, etc. with these reservoirs (or ARRs) - along with some hefty fines for negligence in the care and maintenance. The folks who live here should not have to suffer for Aurora's needs.

And, . . . some of Al's history with other Municipalities:

• On January 4, 2021, the **Town of Morrison filed a formal objection with the DRMS** on an Amendment Application (expansion) of AI's Morrison Quarry based on "operator's noncompliance with the governing 1998 PUD" plan. Non-compliance issues included (but were not limited to) screening, dust-mitigation, and lighting (they monitor dust with video and anemometer). AI withdrew the application but may return.

• The **City of Greeley and Boyd Irrigation** are still proceeding with their lawsuit against Aggregate Industries (Case Number: 2018CV30773) and per Boyd's Attorney Jeffrey Rose, they will go to court this fall. Note: AI posted a supersedeas bond in the amount of $6,189,314.77 to release the previous judgments that came out in 2019. Whatever the outcome, it is concerning that disagreements and misunderstandings of this magnitude could occur, or drag out for this long.

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Truly, there is no way to conceive the hours we have dedicated to matters concerning this permit - or AI's track history. Chance and David talk about "Community Outreach" and we gave that our best shot as well - and I have the email chains to prove it. I even took up their lack of communication or timely responses with Aurora's Rich Vidmar - and he accelerated it up his chain of command to try to get a response. There was silliness that went on through the fall and by the New Year when Sheila MacDonald reached out (lobbyist that they hired after Christine left) she started us BACK at ground zero (ie "What are your concerns? What exactly are you looking for in a landscape plan?" - etc.), we rolled our eyes and threw in the towel. They are continually "working on things" (or with someone) and talk about their HOURS invested in this, that, and the other, (how hard they have worked) but when it comes to the end product, it's not there, . . . or its nothing. It's been very frustrating.

A couple more comments, . . . the two air monitors on this 280 some acres will not jump off their posts and erase or prevent dust issues. They will only serve to give AI leverage for arguing that it was within limits merely because the dust didn't make it over to a monitor. This is a very large expanse of land and DUST WILL BE AN ISSUE - it is just a battle waiting to be brewed. And SOUND? Clouds can bank and magnify sound (happens with traffic all the time) while wind can effectively carry it one way or another. And then there is the wildlife. After they whack down the cottonwoods on the east parcel, the whole expansive area will be virtually treeless and almost vegetation-less up to 168th! But that should be great for all the bird watching opportunities that they suggest will abound from this project. And time frame? We know what will happen with that because there is not ONE example of any of these endless mines EVER being finished in time (AND I specifically pushed for even ONE EXAMPLE). But they know that all they have to do is get their foot in the door. Please turn this project down.

This is a substantial amount of land, with good, major road access, in a very VISIBLE and desirable location, and completely capable of giving so much more back to OUR community, residents (which include the wildlife), and Adams County.

We thank you so much for your time and consideration in this matter,

Mark Cordova & Sherie Gould-Cordova
(Business owners and residents)
Platteview Farms Plaza Retail Center
124-128 W. Bridge St.
Brighton, CO 80601
May 14, 2018

Aggregate Industries - WCR, Inc.
1687 Cole Boulevard, Suite 300
Golden, Colorado 80401

Re: Findings of Fact, Conclusions of Law, and Order, Aggregate Industries - WCR, Inc.

On May 14, 2018 the Mined Land Reclamation Board signed the enclosed Board Order for the above captioned operation. We strongly advise that you read this document carefully since it may contain deadlines for corrective actions, civil penalties, cease and desist orders or other actions that may require your immediate attention to avoid future board actions.

Sincerely,

Camille Mojar
Board Administrator

Enclosure(s)

Certified Mail
7017 2400 0000 9205 7172

cc:
Jared Ebert
Wally Erickson
John Roberts
Jeff Fugate
Scott Schultz
Charles Kooyma
Steven Fox, Esq.
BEFORE THE MINED LAND RECLAMATION BOARD
STATE OF COLORADO

Notice of Violation No. MV-2015-003, and MV-2018-008

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

IN THE MATTER OF A POSSIBLE VIOLATIONS BY AGGREGATE INDUSTRIES
-WCR, INC., CORRECTIVE ACTIONS, AND CIVIL PENALTIES FOR FAILING
TO SUBMIT REQUIRED WATER MONITORING REPORT DATA, FAILING TO
MITIGATE DISTURBANCE TO THE PREVAILING HYDROLOGIC BALANCE IN
THE SURROUNDING AREA, FAILING TO PROTECT AREAS OUTSIDE OF THE
AFFECTED LAND FROM DAMAGE, AND FOR FAILING TO COMPLY WITH
THE CONDITIONS OF AN ORDER, File No. M-2004-031

THIS MATTER came before the Mined Land Reclamation Board ("Board") on
March 22, 2017 in Denver, Colorado to consider possible violations by Aggregate
Industries - WCR, Inc. ("Operator"), corrective action, and civil penalties for failing to
submit the required water monitoring report data in violation of a permit condition,
failure to mitigate the disturbance to the prevailing hydrologic balance in the
surrounding area, failure to protect areas outside of the affected land from damage,
and for failing to comply with the conditions of an order, File No. M-2004-031. Jared
Ebert, Tony Waldron, Wally Erickson, and First Assistant Attorney General Jeff
Fugate appeared on behalf of the Division of Reclamation, Mining and Safety
("Division"). Joel Bolduc; Tom Hesemann, RG; and Steven Fox, Esq. appeared on
behalf of the Operator.

The Board, having considered the parties' presentations, testimony, and the
administrative record, and being otherwise fully informed of the facts in the matter,
enters the following:

FINDINGS OF FACT

1. The Operator holds a 112c reclamation permit for an 203.9-acre sand
and gravel site located in Section 9, Township 2 South, Range 67 West, 6th
Principal Meridian in Adams County, Colorado, permit number M-2004-031. The
site, known as the Hazeltine Mine, is located approximately three miles south of
Henderson, Colorado.

2. In an order dated April 15, 2015 (the "Order"), the Board found Operator
in violation of section 34-32.5-116(4)(h) for failing to minimize the disturbance to the
prevailing hydrologic balance in the area surrounding the permitted area. Specifically,
the Operator had failed to minimize the disturbance of groundwater mounding, which
was causing flooding of adjacent property owned by Fred Orr. In the Order, the Board imposed two corrective actions:

a. Submit a Temporary Groundwater Mounding Mitigation Plan ("Temporary Plan") to the Division within thirty (30) days of the effective date of this Order. The Temporary Plan shall be submitted in an approvable form as a Technical Revision. Implementation of that Temporary Plan shall commence within five (5) days of Division's approval of the Technical Revision.

b. Submit a Permanent Groundwater Mounding Mitigation Plan ("Permanent Plan") to the Division no later than ninety (90) days after the effective date of this Order. The Permanent Plan shall be submitted in an approvable form, as either a Technical Revision or a permit Amendment. Implementation of that Permanent Plan shall commence within thirty (30) days of Division approval.

3. The Board also imposed a civil penalty of $108,750, with all but $10,000 suspended if Operator complied with the corrective actions within the required time frames.

4. On May 21, 2015, Operator submitted Technical Revision No. 4, which contained the proposed Temporary Plan and water level monitoring plan to verify the effectiveness of the mitigation plan. This plan included a water monitoring regimen which required placement of three monitoring wells (HZMW-2, 11a and 11b) and staff gauges for monitoring water levels.

5. The Division approved Operator's Technical Revision No. 4 on June 15, 2015, and confirmed that the Temporary Plan had been implemented on August 19, 2015.

6. On December 30, 2015, Operator filed Amendment No. 1 containing a permanent plan that was intended to alleviate the flooding on the Orr property by, among other things, installing a permanent drain ("Orr Drain") to address groundwater mounding and the continued use of staff gauges and use of several monitoring wells, including HZMW-2, 11a and 11b.

7. The Board approved Amendment No. 1 over public objections on November 16, 2016.

8. On November 23, 2016, Operator began construction of the Orr Drain. The Orr Drain was not completed until September 22, 2017.
9. On September 29, 2017, the Division received a written complaint from Fred Orr asserting that Operator had not completed the mitigation plan in a timely fashion and that groundwater elevations had not significantly changed.

10. The Division conducted an inspection of the Hazeltine Mine and observed the Complainant Property on November 8, 2017. Mike Refer and Connie Davis attended the inspection on behalf of the Operator. During the inspection, the Division found that the Orr property was still flooded, the Orr Drain was closed, and groundwater mounding mitigation measures were not being implemented. The Division also found that the water monitoring data required for the site was incomplete or missing for the 2017 monitoring year. These two issues were cited as problems in the inspection report. The inspection report was signed on December 22, 2017.

11. As part of the inspection report, the Division imposed corrective actions on Operator, including:

   a. Operator must submit the incomplete or missing results of the water monitoring for the 2017 monitoring year by December 29, 2017;

   b. Operator must take immediate action to sufficiently dry the surface of the Orr property, and submit a Technical Revision to the Permanent Plan so the mitigation measures to be taken for the Orr property will function year round with little maintenance by January 31, 2018.

12. On January 9, 2018, the Operator responded to the Division's corrective action regarding missing or incomplete water monitoring results, stating that no additional data was available. The Operator indicated that monitoring well HZMW-2 was inaccessible and that gauge SG-2 was removed to accommodate construction of the Orr Drain after December 12, 2016 and was reinstalled for continued monitoring that resumed in August 2017.

13. The Division conducted a follow-up inspection on February 1, 2018. Connie Davis was present on behalf of the Operator. The inspection report was signed on February 16, 2018. During that inspection, the Division determined that the Orr property was still flooded and groundwater mounding mitigation measures were not being implemented. The Division cited possible violations for failure to submit the required water monitoring report data, failure to comply with the condition of a reclamation permit, failure to mitigate the disturbance to the prevailing hydrologic balance in the surrounding area, failure to protect areas outside of the affected land from damage, and for failure to comply with the conditions of an order.
14. On February 16, 2018, the Division sent Operator a Reason to Believe a Violation Exists and Notice of Board Hearing notice, informing Operator of the alleged violations and that the matter had been set for a hearing before the Board at its March 21 and 22, 2018 meeting.

15. Operator informed the Division on March 8, 2018 that the Orr Drain had been opened on February 16, 2018 and was discharging water into the pit from the Orr property.

16. At the hearing, the Operator provided updated photographs of the Orr Drain and property after the Orr Drain had been opened. The photographs demonstrated that the drain had significantly reduced the flooding on the Orr property. The Operator also submitted updated groundwater monitoring data showing a decrease in groundwater levels after the Orr Drain had been opened.

17. The Operator testified at the hearing they had not kept the Orr Drain open year-round because they had not been attempting to control surface flows, most of which came from the Fulton Ditch discharging water into the Bull Seep during the winter. The Operator testified that they had focused on controlling groundwater mounding in the past. The Operator represented that, going forward, they would keep the Orr Drain open year-round, which would deal with both surface flows and groundwater mounding issues.

18. The Operator also testified that groundwater monitoring data from well HZMW-2 had been unavailable because the well was inaccessible due to high water levels. The Operator represented that keeping the Orr Drain open year-round would eliminate the accessibility issue for well HZMW-2.

19. The Division testified that Operator had recently been cooperative in resolving the issues raised in its inspections of the site.

CONCLUSIONS OF LAW

20. The Board has jurisdiction over this matter pursuant to the Colorado Land Reclamation Act for the Extraction of Construction Materials, Article 32.5 of Title 34, C.R.S. (2017) (“Act”).

21. Operator was required to monitor groundwater under its permit. Under Rule 3.1.7(7), operators who are obligated to conduct groundwater monitoring must report those results to the Division. The Operator's approved permit application requires monitoring of specific points and reporting the results of the monitoring with the annual report. The Operator has failed to conduct the
required monitoring at points HZMW-2 and SG-2 and failed to report the results of monitoring of these devices in their annual report.

22. By failing to monitor groundwater and submit reports as required, Operator is in violation of condition 1 of the permit.

23. Under section 34-32.5-116(4), C.R.S., operators are required to minimize the disturbance to the prevailing hydrologic balance in the surrounding area. The Operator failed to minimize the disturbance of ground water mounding to the prevailing hydrologic balance in the surrounding area caused by the Operator’s actions, in violation of section 34-32.5-116(4), C.R.S.

24. By violating section 34-32.5-116(4), C.R.S., the Operator is in violation of condition 1 of the permit, which requires the Operator to comply with all applicable requirements of the Act.

25. Under section 35-32.5-116(i), C.R.S., operators are required to protect areas outside of the affected land from slides or damage occurring during the mining operation and reclamation. The Operator caused flooding on adjacent property, damaging it in violation of section 35-32.5-116(i), C.R.S.

26. By violating 35-32.5-116(i), C.R.S., the Operator is in violation of condition 1 of the permit, which requires the Operator to comply with all applicable requirements of the Act.

27. The Board’s April 15, 2015 Order required the Operator to submit and implement plans to mitigate groundwater mounding found to be causing flooding on the Orr property. The Operator failed to implement those plans and therefore did not comply with the April 15, 2015 Order.

28. Pursuant to section 34-32.5-124(7), C.R.S. the Board may impose a civil penalty of not less than $100 per day nor more than $1,000 per day for each day during which a permit violation occurs. The Board may impose a civil penalty against the Operator based on forty-eight (48) days of violation (from the February 1, 2018 inspection to the March 22, 2018 Board meeting) at $100 to $1,000 per day for a civil penalty of $4,800 to $48,000.

29. Regarding Violation No. MV-2015-003, the Board’s April 15, 2015 Order assessed a civil penalty of $108,750.00 with all but $10,000.00 suspended if the Operator complied with the corrective actions in the time specified. The Operator failed to implement the mitigation plans required by the April 15, 2015 Order. Therefore the previously suspended portion of the civil penalty, $98,750.00, is due immediately.
ORDER

Based on the foregoing findings of fact and conclusions of law, the Board finds the Operator in violation of the permit for failing to conduct and report groundwater monitoring as required under Rule 3.1.7(7) and the permit application. (MV-2018-008)

The Board also finds the Operator in violation of section 34-32.5-116(4)(h), C.R.S. for failing to minimize the disturbance to the prevailing hydrologic balance in the surrounding area and section 34-32.5-116(4)(i) for failing to protect adjacent land from damage occurring during the mining operation. (MV-2018-008)

The Board also finds the Operator in violation of the Board's April 15, 2015 Order for failing to comply with the corrective actions by not implementing the groundwater mitigation plans required under that order. (MV-2015-003)

The Board imposes the following CORRECTIVE ACTION against the Operator:

A. Within 60 days of the effective date of the Board's order, the Operator shall locate and rehabilitate the required monitoring wells or devises and provide documentation to the Division this has been completed.

B. The Operator shall initiate and comply with the approved groundwater monitoring plan beginning with the second quarter of 2018. The Operator shall submit the results of groundwater monitoring to the Division quarterly and in total for the monitoring year with their annual report due on the anniversary date of the permit, due each year on September 27.

C. Within 60 days of the effective date of the Board's order, the Operator shall submit a Technical Revision (with notice to Fred Orr) or an Amendment to the permit to revise the Permanent Plan for the Orr property to ensure mitigation measures for the Orr property will function year round with little maintenance. Approval of such revision shall be required within the statutory time frames. Implementation of the revised Permanent Plan shall be required within thirty (30) days of approval. During the interim, the Operator shall be required to keep the Orr property sufficiently drained.

The Board imposes a CIVIL PENALTY for forty-eight (48) days of violation at $1,000.00 per day for a total civil penalty of $48,000.00. All but $10,000 of the civil
penalty is suspended if the Operator complies with the corrective actions in the time specified. The portion of the civil penalty not suspended, $10,000, shall be due and payable within thirty (30) days of the effective date of this Order. If the Operator does not timely comply with the corrective actions set forth in this Order, then the suspended penalties, $38,000, shall be due and payable in full within thirty (30) days of the deadline for completion of the corrective action.

Because the operator failed to comply with the requirements of the Board's April 15, 2015 Order for Violation Number MV-2015-003, the previously suspended civil penalty of $98,750.00 is due. All but $25,000 of that civil penalty is suspended if the Operator complies with the corrective actions required by this Order in the time specified. The portion of the civil penalty not suspended for Violation Number MV-2015-003, $25,000, shall be due and payable within thirty (30) days of the effective date of this Order.

Failure to timely submit any due and unpaid civil penalties shall result in immediate submittal of such penalties to State collections.

DONE AND ORDERED this 14th day of May 2018.

FOR THE COLORADO MINED LAND
RECLAMATION BOARD

Forrest Luke, Chair

NOTICE OF JUDICIAL REVIEW RIGHTS

This order becomes effective and final upon mailing. Any party adversely affected or aggrieved by agency action may commence an action for judicial review by filing a complaint with the district court within thirty-five (35) days after the effective date of this order, pursuant to section 24-4-106, C.R.S. (2017) and the Colorado Rules of Civil Procedure. In the event that a complaint for judicial review is filed, designations of record made in accordance with section 24-4-106(6), C.R.S. should be served on the Board at: 1313 Sherman Street, Room 215, Denver, CO 80203, Attention: Camie Mojar.

Aggregate Industries – WCR, Inc.
M-2004-031
MV-2015-003 and MV-2018-008
CERTIFICATE OF SERVICE

This is to certify that I have duly served the within FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER upon all parties herein by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 14th day of May 2018 addressed as follows:

By certified mail to:
7017 2400 0000 9205 7172
Aggregate Industries – WCR, Inc.
1687 Cole Boulevard, Suite 300
Golden, Colorado 80401

Steven Fox, Esq.
Fowler, Schimberg & Flanagan, P.C.
1640 Grant Street
Denver, CO 80203

By electronic mail to:
Jared Ebert
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Wally Erickson
Division of Reclamation, Mining & Safety
1313 Sherman Street, Room 215
Denver, CO 80203

Charles J. Kooyman
Assistant Attorney General
Department of Law
Business and Licensing Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th floor
Denver, CO 80203

Jeff Fugate
First Assistant Attorney General
Department of Law
Resource Conservation Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th floor
Denver, CO 80203

Aggregate Industries – WCR, Inc.
M-2004-031
MV-2015-003 and MV-2018-008
Scott Schultz
First Assistant Attorney General
Department of Law
Resource Conservation Section
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 8th floor
Denver, CO 80203

Camille Moyar, Board Administrator
March 2, 2021

Adams County Board of County Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

RE: Conditional Use Permit # EXG2020-00001 – Aggregate Industries WCR, Inc.

Dear Adams County Board of County Commissioners:

Colliers International is a commercial real estate brokerage and property management company with offices located in Downtown Denver and the Denver Tech Center. We are a leader in multi-family, retail, commercial, office and industrial property sales and leasing along the Front Range. Colliers has 27 brokers and advisors who are active in the brokerage of commercial real estate transactions. Over the past 55 years, we have worked on a wide range of commercial real estate projects that have assisted in creating attractive commercial and industrial assets plus the infrastructure that support growth throughout Denver, including Adams County.

My specialization as a real estate professional for the past 40 years has been in the area of industrial real estate brokerage which includes land and building sales to investors, developers, manufacturers and distribution companies as well as the leasing of industrial buildings. Much of my industrial sales and leasing activity has been focused in Adams County along Interstate 70 and in the DIA area. Major transactions over the past decade in Adams County included new state of the art distribution facilities for Best Buy, KeHe and Niagara Water as well as the new Costco Distribution Center that is under construction near DIA which will open this year. In the Brighton area, approximately 15 years ago I leased and subsequently sold the 300,000 SF Staples Distribution Center near Interstate 76 and Bromley Lane. At that time, the Staples Distribution Center was one of only a few major industrial developments along I-76 in the Brighton area. However, over the past 5 years or so, we have seen unprecedented growth in new industrial development along the I-76 (from I-25 to Hudson) and E-470 (from I-76 to I-25) corridors. Tens of millions of square feet of new development has either already taken place, is under construction or in the planning stages along these corridors.

This industrial development has numerous benefits to the residents of Brighton and unincorporated Adams County. Thousands of good paying jobs either have or will be created to construct, staff and maintain these facilities. Additionally, current and proposed industrial development will add tens of millions of tax dollars on an annual basis to Adams County that will fund schools, parks, recreation facilities, infrastructure projects as well as emergency, fire and police protection.

The key to the I-76 and C-470 corridors remaining a competitive and desirable place to develop high quality industrial projects are the desirable workforce, responsive county/municipal governments and reasonable construction costs. Aggregate is the key building material that goes into industrial development including the floors, walls, truck courts, parking areas and sidewalks. Without an abundant and readily available source of aggregate, continued industrial development in the I-76 and E-470 corridors will become less desirable as well as less cost effective, which will potentially drive development and the accompanied jobs and property tax revenue to other locations along the Front Range.

On March 9, you will consider Aggregate Industries conditional use permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We applied the real estate expertise of our organization in reviewing this application and believe it represents a responsible approach to the use of...
land in a floodplain/floodway, especially with the features and community benefits the applicant has added, it will be an important temporary use that permanently leaves behind extensive, mature landscaping, public open space and water security for Adams County residents. The two-thirds of a mile of landscaping along Highway 7, which the City of Brighton strongly supports, is unparalleled in developments in the county or the region. These amenities are the direct result of Aggregate Industries’ ability to remove the sand and gravel, which the county has planned and provided for, through its zoning and previous permits. We know, even with the required signage the applicant has displayed to indicate that a future mine is planned, there may be opposition to such permits, but the proposal exceeds the criteria you must measure it against for any project of its kind for compatibility.

In summary, in order to facilitate quality development, real estate professionals know (or should know) the importance of the integral connection of sand and gravel to safe, green growth and development. The Tucson South project would ensure that a local source of aggregates will be available to our clients as they partner with decision makers in Adams County to plan, approve and develop projects. The location and proximity of building materials makes a difference to whether a project is economically viable.

Colliers acknowledges that Adams County has many economic development priorities that you are advancing near Denver International Airport, the Colorado Air and Space Port and the projects contemplated through the approval of the 1A and 1B ballot measures in November 2020. We believe that this permit merits your approval.

Sincerely,

COLLIERS INTERNATIONAL

Thomas B. Stahl, SIOR
Principal
March 4, 2020

Adams County Board of Commissioners
4430 Adams County Parkway
Brighton, CO 80601

Dear Adams County Commissioners,

I represent the Cowley Companies, which owns approximately 4,000 acres in Adams County and Commerce City. I also sit on the Adams County Regional Economic Partnership Executive Committee and our company is proud to support and champion the incredible opportunities within Adams County. The Adams County community is growing quickly. This growth is helping to meet the needs for a strong and diverse economy, job opportunities for all and a healthy supply of housing for both current and future residents. We value our incredible partnership with Adams County and stand ready to help address the challenges that come with this kind of growth.

With that background, we understand that Aggregate Industries’ land use application is coming before you this week for a gravel mine that will ultimately serve as a permanent municipal water storage facility. I believe this is a carefully planned and thoughtful application. With growth, the need to source reliable and affordable aggregate material is paramount. Like many other projects in the region, both public and private, we will need to acquire significant amounts of aggregate to develop the necessary infrastructure for our communities. We have studied the details of Aggregate Industries’ application and find that this facility has been well designed and that the impacts of mining have been significantly reduced through the use of a conveyor system. We have also reviewed the details of the design for the water storage facility and find that this has been well thought out to create an important public resource that also is compatible and harmonious with its surroundings.

We commend the City of Aurora, the City of Brighton, and Adams County for finding collaborative solutions to prepare for the growth of our region.

Sincerely,

[Signature]

Rory Blakemore
Cowley Companies
March 4, 2021

Adams County Commisioners and Mr. Greg Barnes - Ehenry@adcogov.org, Ctedesco@adcogov.org, Epinter@adcogov.org, Sodorisio@adcogov.org, Lbaca@adcogov.org, Gjbarns@adcogov.org

RE: Comments on Aggregate Industries' (“AI”) Application for Conditional Use Permit (“CUP”) Case Number EXG2020-00001 - “Tucson South”

Dear Ladies and Gentlemen:

I am a resident of Adams County and have lived on an 18 acre property adjacent to a portion of AI's proposed “Tucson South” project for over 21 years.

In November 2019 you the commissioners bravely took a unanimous stand against AI's Tucson South project and those commissioners present voted not to issue a CUP. However AI is back for approval again at the March 9, 2021 commission meeting and they are claiming that there are substantive changes from what was presented and rejected last year. I truly hope you are able to clearly see through the smoke and mirrors and recognize this is substantially the same as the final proposal last year and once again vote NO on issuing a CUP for this project.

My opposition to this project has been expressed in 7 comment letters in 2019 and 2020 and numerous comment letters prior to the 2004 original approval of the previously expired CUP for this project. Also please be aware that the vast majority of current comments opposing this project are from Brighton residents and businesses that will be directly affected by this project while the vast majority of comments in support of the project are from AI employees or suppliers who do not live here.

The only ones that significantly benefit from this project are AI and Aurora ---- NOT BRIGHTON or Adams County. This proposal is not the highest and best use of this land and lacks the effect of increasing property values which would result in increased tax revenue for the County. In reality it will have the opposite effect!

I firmly believe this proposal does not meet the County's requirements for a CUP because it is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area. There is no way to negate all of these effects through conditions of approval - especially conditions of approval that have no substantial consequences to AI if not met.

Yes there is mineral at the proposed site – but there is abundant mineral in much more compatible locations than Brighton's front door!
I am not going to waste your valuable time repeating what I have previously commented on; however, one issue I raised has not had an adequate response – the issue of additional slurry walls restricting ground water flows into the Platte River and resulting in raising the ground water levels and causing substantial damage to properties in the area and two new issues I have not previously commented on. These issues are as follows:

- **SLURRY WALL(S)** - Slurry walls extend from ground surface to the depth of bed rock and are intended to prevent ground water from entering or exiting the area they are designed to protect. I have not received a response to my question regarding the impact to ground water movement when the proposed additional slurry walls will result in an almost solid barrier to ground water movement to the river for the distance between RT7 and Weld County Rd 6 (several miles). Ground water is already high in this area and additional slurry walls will result in causing numerous issues and damage with flow of ground water which otherwise now goes into the river. I am talking about more than just wells – its septic systems being destroyed, flooded basements, foundations being damaged, etc. with no equitable remedies for property owners.

It is clear that changing ground water levels are causing and will cause this damage however no one wants to accept responsibility for actions which cause it. Sadly, responsibility for fixing the damage is being put on citizens who had nothing to do with causing it. I am aware of more than one response by Aurora, AI, and even Adams County to responsibility for damages of “this is a civil matter and not our responsibility” and/or “sue us” when they well know individuals do not have $100,000 to $200,000 or more to spend on litigation. Responsibility for damage has to be clearly defined in the Conditions if this CUP is approved.

- **AURORA’S LEAKING CHALLENGER PIT** – Some time ago Aurora purchased the Challenger pit which is in Adams County between the north border of the proposed Tucson South project and 168th Avenue. The pit was not properly lined or slurry walled and accordingly has been allowing a substantial volume of ground water to leak into the pit (for quite some time). Therefore ground water is impounded in the pit and has not been released.

Colorado law does not allow ground water to be impounded without being released in a relatively short period of time. Aurora has been in violation of this law for quite some time. Not only will Aurora have to remove such existing and future water they will have to fix the lining of the pit. Aurora also has similar issues with ground water in 2 additional pits just north of 168th Ave.

Fixing this situation will negatively impact ground water flows and result in also raising ground water levels. Why approve another pit(s) without requiring an adjacent existing pit to be fixed and determining the effect of such fix?
• UNITED STATES ARMY CORPS OF ENGINEERS – The U S Army Corps of Engineers ("USACE") has jurisdiction over matters concerning the Platte River. In their state permit AI has not provided any material re discussions with or permissions from the USACE. I am aware that residents of the area are in the process of contacting the USACE to inform them of what is being proposed and to find out if they have a problem with additional slurry walls restricting ground water flow into the river or any other issues. The USACE has the power to shut down this proposed mine if they determine there is sufficient negative effect on the Platte River. Why approve a CUP if input from this source at a later date could stop or substantially alter the proposal? This matter should have been addressed prior to a request for a CUP ever being brought before the Commission.

I have read the Staff’s Conditions Precedent and Conditions contained in their February 11, 2021 report (the latest I could find). Many of the conditions do not contain anything that would cause AI to comply with them. For example there is no stated consequence to AI for not completing the project by March 9, 2030. Completion is not bonded (the reclamation bond is not a completion bond) and we the citizens could be left with an eyesore of a half completed giant hole in the ground. If for some reason you were to approve this application, consequences for non compliance HAVE to be added to the conditions.

In conclusion:
Citizens of the area are in no way responsible for AI’s profitability or their failure to act on the project for over 17 years. The area in question is not part of Aurora nor is it in close proximity to Aurora. I realize part of Aurora is in Adams County, however Aurora does not have the right to impose on citizens outside of their jurisdiction and those of us that are not citizens of Aurora should not have to bear the responsibility and suffer the consequences of providing the area to store water that in no way benefits us.

If history is any indication, I would caution the Commissioners that if this proposed project is approved, it is likely to turn into a community eyesore, headache and nightmare for much longer than the proposed 9 + years.

Do the right thing for the citizens most affected by this proposal and vote NO on issuing a CUP for this project.

Thank you for your consideration,

B. Michl Lloyd
Comisión de Planificación y Zonificación del Condado de Adams

4430 South Adams County Parkway

Brighton, CO 80601-8204

Estimado condado de Adams,

He vivido en el condado de Adams durante 34 años. También trabajo como en el condado de Adams. Le escribo para pedirle que apoye el permiso propuesto para el Proyecto Minero de Tucson, área de Minería de Grava.

Este proyecto es importante para personas como yo y para los trabajos que hacemos. La grava es un recurso valioso que se utiliza en la construcción de carreteras e infraestructura y es importante para nuestra comunidad.

Le pido que vote sí sobre el permiso propuesto.

Sinceramente,

[Nombre]

[Tomasa Amparan]

9854 Cook Street

Thornton, CO 80229
Estimado condado de Adams,

He vivido en el condado de Adams durante ____ años. También trabajo como _____ en el condado de Adams. Le escribo para pedirle que apoye el permiso propuesto para el Proyecto Minero de Tucson, área de Minería de Grava.

Este proyecto es importante para personas como yo y para los trabajos que hacemos. La grava es un recurso valioso que se utiliza en la construcción de carreteras e infraestructura y es importante para nuestra comunidad.

Le pido que vote sí sobre el permiso propuesto.

Sinceramente,

Lorenzo Betancourt Rios
6672 E 69th Ave.
Commerce City, CO 80022
Dear Adams County,

I am writing in support of the Tucson South Mining Project. As a lifelong resident of Adams County, my family and I fully support the mining of this gravel pit.

This is a project that will benefit the community long term. We will get a beautiful reservoir with trails and a natural habitat that we will be able to enjoy for generations. Creating outdoor spaces for people to enjoy is important to our county's future.

I have lived in Adams County my whole life. I am an active community member. I am asking you to vote yes on the proposed permit for this project.

Sincerely,

Philip Breedlove
Address: 683 Millet Circle
Brighton, CO 80601
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Carl Buckland

Carl Buckland
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

[Signature]
Estimado condado de Adams,

Le escribo en apoyo del Proyecto Minero de Tucson South. Como residente de toda la vida del condado de Adams, mi familia y yo apoyamos plenamente la extracción de este pozo de grava.

Este es un proyecto que beneficiará a la comunidad a largo plazo. Obtendremos una hermosa reserva con senderos y un hábitat natural que podremos disfrutar por generaciones. Crear espacios al aire libre para que la gente disfrute es importante para el futuro de nuestro condado.

He vivido en el condado de Adams toda mi vida. Soy un miembro activo de la comunidad. Le pido que vote sí sobre el permiso propuesto para este proyecto.

Sinceramente,

Laura Castillo-Herrera
15776 e. 69th Ave.
Commerce City, CO 80022
-----Original Message-----
From: James Cowperthwaite <jimcowperthwaite@gmail.com>
Sent: Monday, March 8, 2021 11:03 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Highway 7 Pit Mine Proposal

Please be cautious: This email was sent from outside Adams County

Dear Honorable Commission Members,

The Highway 7 Pit Mine proposal makes no civic planning or rezoning sense.

1. Traffic hazards when in operation;
2. Incompatible with existing residential/family farming uses; 3. Noise, air and ground water pollution; 4. Negative impact on beautiful Veterans Park and South Platte River corridor;
5. Permanent, multi-faceted damage once gravel extraction is complete and the water-filled site is fenced with concertina-wire -topped -chainlink fence preventing access IN PERPETUITY.

The proposal flies in the face of established civic planning and zoning principles. Undersigned is former member of citizens planning planning and zoning commission for downtown Denver and long serving Commissioner for the Denver Urban Renewal Authority (DURA).

Thanks in advance for your thoughtful, professional public service.

Respectfully yours,

s/ James Cowperthwaite

James Cowperthwaite
15235 Willow Drive
Thornton, CO 80602
303 355 3957
<jimcowperthwaite@gmail.com>

Sent from my iPad

Sent from my iPad
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Sean M. DeFabbio
Adams County Resident 22 Years
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-000061Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Victor De La Rosa  
02/18/21
January 8, 2021

Adams County Board of Commissioners
Adams County
4430 S. Adams County Parkway, Suite C5000A
Brighton, CO 80601

RE: Aggregate Industries Tucson South EXG2020-00001

Dear Commissioners,

My wife and I purchased 55 acres at approximately 14900 Riverdale Road in Brighton Colorado about a year ago from Aggregate Industries. We are just north of the Thornton water storage lakes and surrounded by Platte River on 3 sides. The property was part of one of their completed mine sites, it had been partially restored and in excellent condition.

We found the Aggregate Industries employees excellent to deal with and very responsive. The property has been restored to a natural habitat and supports a variety of wildlife including all types of waterfowl, a herd of mule deer and several flocks of turkey. We plan on further developing the property to include our horses and cattle.

Prior to our purchase of the property, Aggregate Industries worked with several municipalities to include easements on the property for public improvements. A few examples are allowing Metro Wastewater to locate a main feed to their water treatment plant as well as including an easement for Urban Drainage to include a multi-use path along the South Platte Riverbank for public access. All these improvements benefited the general public.

In closing, I would not hesitate to work with Aggregate Industries on any property as their commitment to natural restoration and being a good corporate partner is consistently reinforced by their actions.

Sincerely,

Joseph M. O’Dea
Trustee
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

HENDERSON, CO 8640
Dear Sir/Madam

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Sir/Madam

Adams County

Reason for writing:

- I am writing to ask you to support the proposed permit for the Tucson South Mining project.
- I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

Intro

- I have lived in Adams County for 45 years.
- I have lived in Adams County my whole life.
- I grew up in Adams County and I am now raising my family here.
- I live and work in Adams County.
- I work in Adams County as a yard foreman.
- I have worked in Adams County for 15 years.

Why you are supporting:

- I believe this is the right type of project for the area and I fully support it.
- I believe that this project will benefit Adams County and the community benefits that will be available when the project is finished make the area better than it is right now.
- I work as a yard foreman and this will help people like me who work in this industry.
- I think the trails and outdoor space that will be available after the project ends will be an amazing addition to our community.
- This is an important industry for our county, and we need to take advantage of resources that are available otherwise we will have to get them from somewhere else.
- It is the right thing to do and the whole project will be done in 8 years.

Conclusion
I am asking you to please support this proposed permit.
Thank you for considering supporting this permit.
Please vote yes to support the Tucson South Mining project.

Sincerely,

Frank Escatel
643 S. 2nd Ave
Brighton, CO 80601
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Jodi Foster

Jodi Foster
From: Audrey Franklin <acab38@gmail.com>
Sent: Saturday, March 6, 2021 11:46 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Tucson St. mining

Please be cautious: This email was sent from outside Adams County

I feel great despair that your Commission would give Aggrevate a 2nd bite at the apple. We have one entrance to Brighton and one decent road going West...Hiway 7. No matter what they claim, Aggregate would make that whole stretch into a dirty, noisy, and forever ugly view of the River and park. Everytime we go to Ft. Lupton, the horrible appearance of Hiway 85 tells me exactly what we face on 7. Big trucks, dust, noise, and deep pits that will remain like bomb craters forever. We live in a drought, the Platte flows low, and those pits will never fill with water. I heard that Aggregate would build some kind of conveyor over the Hiway....what a horrible idea with dust and sand raining down on traffic....there's no way they can build a totally enclosed overpass and the ends, on both sides, would be full of moving trucks spilling dust. I ask you to please don't allow the sand mining that only Aurora will gain by. Fracking will be a thing of the past while the abomination on Hiway 7 is a forever thing.

Audrey Franklin
14360 Meadowlark Lane
Brighton, CO 80601
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,  

[Signature]

[Signature]
Estimado condado de Adams,

Le escribo en apoyo del Proyecto Minero de Tucson South. Como residente de toda la vida del condado de Adams, mi familia y yo apoyamos plenamente la extracción de este pozo de grava.

Este es un proyecto que beneficiará a la comunidad a largo plazo. Obtendremos una hermosa reserva con senderos y un hábitat natural que podremos disfrutar por generaciones. Crear espacios al aire libre para que la gente disfrute es importante para el futuro de nuestro condado.

He vivido en el condado de Adams toda mi vida. Soy un miembro activo de la comunidad. Le pido que vote sí sobre el permiso propuesto para este proyecto.

Sinceramente,

Vicente Gonzales-Estrada
1287 S. 8th Ave.
Brighton, CO 80601

[Vicente Gonzales-Estrada's signature]
From: Greg Barnes
To: Erica Hannah
Subject: Greaves Opposed 20210307
Date: Monday, March 8, 2021 10:58:08 AM

From: paul greaves <pwgreaves1@gmail.com>
Sent: Sunday, March 7, 2021 4:38 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Tuscon mine

Please be cautious: This email was sent from outside Adams County

Mr Barnes

I'm writing to express my strong opposition to the Tucson mine as proposed by Aggregate Industries.
The project provides no real benefit to the Community
It will make the local environment and beyond an area of blight dust, noise, heavy equipment
I own property in the nearby neighbourhood and feel very strongly that this operation will diminish property values in Brighton and will discourage all but essential travel into the City

Once again I strongly oppose this project and would urge you to reject it

Thank You
Paul W Greaves
125 W Bridge St, Suite F
Brighton Co 80601
303 808 9826
Adams County Board of County Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Adams County Board of County Commissioners:

Our family is writing to ask you to approve a conditional use permit for Aggregate Industries on March 9. The permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County, includes property Haake Farms sold to Aggregate Industries in 2001. In addition, the Haake family owned considerable land in the surrounding area as part of our farming and dairy business.

The conditional use application and the work Aggregate Industries is doing to add extensive and long-term landscaping, limit the mining to only eight years and use a conveyor to move material instead of trucks hauling it, could not be more ideal. We knew that this resource would need to be extracted some day! High quality aggregate resources are critical to infrastructure and building and must be extracted where mother nature put them.

There are people who oppose these types of projects because they lack vision for the future. The closest neighbors to the property have not come out in opposition to this project and there are at least two nearby property owners who are on record as supporting the conditional use permit. The most vocal opponents don’t even live where they see or otherwise will be impacted by the project and are focused on the less than a minute’s time they will drive by the project, even though they won’t be able to see it due to the landscaping.

Our family has an attachment to this property and long history in Adams County. The donation of the South Parcel which comprises approximately 25% of their purchase, to an open space use will provide will be highly beneficial to Adams County, Brighton and other residents who will enjoy the connection to the Riverdale Bluffs Open Space, the new trail, and access to the water storage resource. We hope to see you fulfill this vision and support the permit.

Sincerely,

[Signature]

Mark Haake
17039 County Rd. 4
Wiggins, CO 80654
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Tim Hartman
3294 W. 96th Cir.
Westminster CO 80031
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Jose Hernandez

Jose Hdez.
From: Greg Barnes
To: Erica Hannah
Subject: Hoffman M Opposed 20210308
Date: Monday, March 8, 2021 10:59:56 AM

-----Original Message-----
From: Mary Anne Hoffman <bicyclebytwo@yahoo.com>
Sent: Monday, March 8, 2021 8:56 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Sand mining

Please be cautious: This email was sent from outside Adams County

I was driving to veterans Park this morning and as I came over the hill I could see Brighton laid out in the distance and I had to imagine a big sand pit there along Highway 7 and how destructive that would look as an entrance into Brighton.

Vote against this proposal to put a sand pit along Highway seven.

Thank you for your time and consideration.

Mary Anne Hoffman
15341 Heritage Circle,
Brighton 80602
303-908-4855

Sent from my iPhone
Please be cautious. This email was sent from outside Adams County

Please vote against sand mining on Hwy 7.

I walk my dog almost daily in the Veterans Park area. Yesterday, March 6, I saw several hawks, three bald eagles, a heron, and the multitude of geese and ducks. The red wing blackbirds are multiplying every day and building their nests in the reeds. All this in just one day!

On other occasions, I have seen a bobcat and coyote. You think the wildlife will flock to this noisy, dusty area and dirty water? What about human visitors to the gateway of the Platte River bike path? As I walk further north you can see a gravel mining operation in the near distance (only one of many) -- evidence that there is already plenty of gravel mining currently in the area so why more?

Anyone who believes the gravel mining won't disturb this wildlife is out of touch with reality. Or, is it possible, that like so many politicians, money talks?

Let's preserve what little natural beauty we have left.

Brighton needs to do the right thing and not allow this new gravel pit. Enough already!

Mary Anne Hoffman
bicyclebytwo@yahoo.com
15341 Heritage Circle
Briighton, CO 80602
303-908-4855
-----Original Message-----
From: Mary Anne Hoffman <bikeby2@icloud.com>
Sent: Monday, March 8, 2021 7:54 AM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Stop the DIG

Dear Board Members:

As a multigenerational resident, business and property owner in Adams County I urge you to vote NO on the DIG. Adams county has historically been the “dumping ground”, trash recipient, smog collector, water pollutant houser, etc. of greater metro Denver. This is so evidenced by the reputations and resultant property values of Commerce City, Brighton, and adjoining areas. Downstream Platte polluted water is disgusting in smell, taste and safe use already.

My biggest concern is for the environment and ecology of the properties adjacent to this Dig. Our family lives near Veterans Park and we frequent this area nearly daily.

This area just east of the Dig is a remarkable hidden environmental Jem. It is surrounded by past digs, sewage & water treatment plants, industrial parks, highways, city and county equipment graveyards. In spite of this humanity blight NATURE has found a small “ safe haven” to survive and thrive. It is a fabulous home to multiple species. Over 30 different bird spices, fox, coyotes, deer, raccoons , bobcat, skunk, Squirrel, turtle reside here throughout the year.

I truly believe this massive dig will permanently disrupt this rare habitat protected area. Much of the dig serves as food, nesting, and insulation from human invasion.

Additionally highway 7, the southern border of the dig, is already overused and in growing disrepair. The traffic situation will be impacted. The air quality will be gravely impacted and the visual blight a travesty. You only need to travel north or south of dig to verify this by observing existing digs & their impacts.

It’s time we care for ourselves and our future generations. Short term financial windfalls do not justify the continued destruction of our community. We’ve allowed past administrations, boards, governing bodies to act not in the people’s & environments well being. Please put a stop to this and vote NO!

Respectfully, Geffory Hoffman DDS

Sent from my iPa
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Sir/Madam

Adams County

Reason for writing:
- I am writing to ask you to support the proposed permit for the Tucson South Mining project.
- I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

Intro
- I have lived in Adams County for _______ years.
- I have lived in Adams County my whole life.
- I grew up in Adams County and I am now raising my family here.
- I live and work in Adams County.

- I work in Adams County as a _______.
- I have worked in Adams County for _______ years.

Why you are supporting:
- I believe this is the right type of project for the area and I fully support it.
- I believe that this project will benefit Adams County and the community benefits that will be available when the project is finished make the area better than it is right now.
- I work as a _______ and this will help people like me who work in this industry.
- I think the trails and outdoor space that will be available after the project ends will be an amazing addition to our community.
- This is an important industry for our county, and we need to take advantage of resources that are available otherwise we will have to get them from somewhere else.
- It is the right thing to do and the whole project will be done in 8 years.

Conclusion
I am asking you to please support this proposed permit.
Thank you for considering supporting this permit.
Please vote yes to support the Tucson South Mining project.

Sincerely,

Charles Hoffman
4394 E 92nd Court
Thornton, CO 80229
February 10, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Sir/Madam:

On behalf of our company, Jalisco, International, I am writing to support the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

Jalisco International, Inc., is family owned and has been based in Adams County for more than 35 years. We have partnered with Adams County on multiple occasions to provide quality employment opportunities for residents, while producing necessary and reliable infrastructure in Adams County and around the State of Colorado. We specialize in building infrastructure including roads, bridges, walls and work in both the private and public sectors. Our industry has a long history of utilizing locally sourced materials to reduce impacts on the projects, the communities, and the environment.

As Colorado continues to grow, our infrastructure matters even more as it is what connects us to each other. Being able to use our local resources is critical as it allows for economic development at the local level and reduces the need to import these resources from outside of Colorado. Adams County has an opportunity to lead in this industry and to take a leadership role in building a better Colorado.

We have previously partnered with Aggregate Industries and we have found them to be a trustworthy business that maintains agreements and provides quality products and services. We support Aggregate Industries and the resources they can potentially bring to building our infrastructure both locally and statewide.

We support the approval of the permit for Aggregate Industries at Tucson South and see it as an asset to our Adams County community. I would respectfully ask the Adams County Board of County Commissioners to approve their permit.

Sincerely,

Jalisco International, Inc.

Richard Ledezma
President
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]
Dear Sir/Madam,

I live and work in Adams County and I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

This is an industry I believe we should support because it helps create a product that we can use here in Adams County and the surrounding metro area.

I am asking you to vote to approve the Tucson Mining Project.

Sincerely,

Tim Johnson
16695 Electra Street
Brighton, CO 80603
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Joshua Jorgensen

[Signature]

2/19/21
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[signature]

I been living in Adams County for 5 years
-----Original Message-----
From: Emily Kasper <ekasper15@gmail.com>
Sent: Thursday, February 11, 2021 5:32 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Tucson South Mine Project

Please be cautious: This email was sent from outside Adams County

Hello,

I wanted to reach out, as a resident of Brighton CO, in support of the above mine project. I have reviewed the details of the project and I feel the the long term outcome would be beneficial to our community. As our city continues to grow it feels like the reservoir and trails proposed would be a beneficial.

The manner in which the mining will occur seems to have been well thought out and measures taken that will limit any disruptions to that area during the proposed time frame.

I appreciate you taking the time to listen and consider this project for our community.

Warm regards,

Emily Kasper
13006 CR 2 1/2
Brighton CO 80603
February 9, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Sir/Madam,

I am writing you today to respectfully ask for your support for proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

I have lived in Adams County for 32 years. I purchased my first home in Adams County 25 years ago. Four of my children have graduated from Adams County Schools. My wife and I continue to be active members of the community while raising our youngest son and continuing to call Adams County home into the foreseeable future.

We reside a short distance from the Tucson South project. I have reviewed the proposal and the comments that have been placed against the project. I am supporting the Tucson South project because it is a good project for Adams County. Aggregate Industries has listened to the community and made a concerted effort to develop a plan that limits noise and eliminates daily truck traffic which had been in the previous plan.

They have shown a willingness to answer questions from the community and have been transparent in their efforts to present the plan. I am most impressed with the fact that they will leave the area better than they found it. The reservoir and trails that will come when the project ends, will bring added benefit to the area and create a natural gathering place for people as well as wildlife.

I am asking you to support the proposed permit and bring a good project to Adams County.

Sincerely,

Antonio D. Ledezma
Estimado señor, señora
Condado de Adams

Razón para escribir:
- Le escribo para pedirle su apoyo con el permiso propuesto para el proyecto Tucson South Mining.
- Le escribo para informarle que apoyo el permiso propuesto, EXG2020-00001 Aggregate Industries WCR, Inc. - Área minera de grava.

Introducción
- He vivido en el condado de Adams durante 18 años.
- He vivido en el condado de Adams toda mi vida.
- Crecí en el condado de Adams y ahora estoy criando a mi familia aquí.
- Vivo y trabajo en el condado de Adams.

- Trabajo en el condado de Adams como Levar.
- He trabajado en el condado de Adams durante 20 años.

Por qué estás apoyando:
- Creo que este es el tipo de proyecto adecuado para el área y lo apoyo plenamente.
- Creo que este proyecto beneficiará al condado de Adams y los beneficios comunitarios que estarán disponibles cuando el proyecto esté terminado harán que el área sea mejor de lo que está ahora.
- Trabajo como SL y esto ayudará a personas como yo que trabajan en esta industria.
- Creo que los senderos y el espacio al aire libre que estarán disponibles después de que finalice el proyecto serán una adición increíble a nuestra comunidad.
- Esta es una industria importante para nuestro condado, y debemos aprovechar los recursos que están disponibles, de lo contrario tendremos que obtenerlos de otro lugar.
- Esto es lo correcto y todo el proyecto se realizará en 8 años.

Conclusión
Le pido que por favor apoye este permiso propuesto.
Gracias por considerar apoyar este permiso.
Vote sí para apoyar el proyecto de Minería de Tucson South.

Sinceramente,

Juan Lozano-Miranda
4382 Windmill Drive
Brighton, CO 80601
March 5, 2021

Adams County Board of Commissioners
4430 Adams County Parkway
Brighton, CO  80601

Dear Commissioners,

First, I would like to recognize and thank you for your service to the community as elected officials. I know that you face difficult issues as leaders of a fast-growing community. I appreciate the time and consideration you devote to fully understand issues that come before you, hear from all stakeholders, thoughtfully consider options, and ultimately make the best possible decision on behalf of your constituents.

I understand that you are considering a land use case on March 9th for a gravel mine in Adams County to be operated by Aggregate Industries at State Highway 7 and Tucson Street. I also understand that this facility will be completed and fully reclaimed within eight years. After mining is completed, it will then be converted to municipal water storage, owned and operated by the City of Aurora. I am familiar with the site and the surrounding area, as I have worked as a land broker in the Denver metro area for 20 years. In this time, I have sold more than 11,000 residential lots as well as thousands of acres of raw ground for future development. A few of the many projects I have been involved with in recent years include Painted Prairie, High Point, and Waneka Farms. I anticipate you may have questions or concerns about how this land use might impact the market in the immediate vicinity. My role and experience provide me insight into the market dynamics for the interim and long-term proposed land uses at this site and the ways in which these uses influence the surrounding area.

In my professional opinion, this site has more value and offers more stability to the surrounding market if it is mined as proposed by Aggregate Industries. This application before you provides certainty about the end use for this property, it clearly establishes the duration of the impacts, and it results in the creation of a an attractive water feature. The proposed water storage feature offers a benefit to the surrounding area that helps to offset the near-term impacts of mining. I come to this conclusion with the understanding that the applicant has thoughtfully considered the best practices to make this as compatible as possible with the surrounding area by eliminating the use of trucks to haul material, monitoring air quality impacts, and minimizing noise, dust, and visual impacts. The application proposes the construction of a substantial berm and landscape buffer along the southern border that is enhanced even further in the post-mining reclamation plan. The end result of Aggregate Industries’ project will be a nice amenity that also helps serve a growing population.

I appreciate your consideration of this issue and I hope that my experience and perspective from the land brokerage industry is helpful to you in your decision.

Sincerely,

Mike Kboudi, Executive Director
Cushman & Wakefield
Estimado condado de Adams,

He vivido en el condado de Adams durante ____ años. También trabajo como ______ en el condado de Adams. Le escribo para pedirle que apoye el permiso propuesto para el Proyecto Minero de Tucson, área de Minería de Grava.

Este proyecto es importante para personas como yo y para los trabajos que hacemos. La grava es un recurso valioso que se utiliza en la construcción de carreteras e infraestructura y es importante para nuestra comunidad.

Le pido que vote sí sobre el permiso propuesto.

Sinceramente,

Carlos Madera
41499 E 98th Ave.
Bennett, CO 80102
Comisión de Planificación y Zonificación del Condado de Adams
4430 South Adams County Parkway
Brighton, CO 80601-8204

Estimado señor, señora
Condado de Adams

Razón para escribir:
- Le escribo para pedirle su apoyo con el permiso propuesto para el proyecto Tucson South Mining.
- Le escribo para informarle que apoyo el permiso propuesto, EXG2020-00001 Aggregate Industries WCR, Inc. - Área minera de grava.

Introducción
- He vivido en el condado de Adams durante 24 años.
- He vivido en el condado de Adams toda mi vida.
- Crecí en el condado de Adams y ahora estoy criando a mi familia aquí.
- Vivo y trabajo en el condado de Adams.
- Trabajo en el condado de Adams como ____________.
- He trabajado en el condado de Adams durante ____________ años.

Por qué estás apoyando:
- Creo que este es el tipo de proyecto adecuado para el área y lo apoyo plenamente.
- Creo que este proyecto beneficiará al condado de Adams y los beneficios comunitarios que estarán disponibles cuando el proyecto esté terminado harán que el área sea mejor de lo que está ahora.
- Trabajo como ____________ y esto ayudará a personas como yo que trabajan en esta industria.
- Creo que los senderos y el espacio al aire libre que estarán disponibles después de que finalice el proyecto serán una adición increíble a nuestra comunidad.
- Esta es una industria importante para nuestro condado, y debemos aprovechar los recursos que están disponibles, de lo contrario tendremos que obtenerlos de otro lugar.
- Esto es lo correcto y todo el proyecto se realizará en 8 años.

Conclusión
Le pido que por favor apoye este permiso propuesto.
Gracias por considerar apoyar este permiso.
Vote sí para apoyar el proyecto de Minería de Tucson South.

Sinceramente,

Jose Madera
6311 Highway 79
Bennett, CO 80102
Dear Adams County,

I have lived in Adams County for 15 years. I also work as a [driver] in Adams County. I am writing to ask you to support the proposed permit for the Tucson Mining Project, Gravel Mining area.

This project is important to people like me and the jobs we do. The gravel is a valuable resource that is used in building roads and infrastructure and is important to our community.

I am asking you to vote yes on the proposed permit.

Sincerely,

Mark Maes
9261 Hoffman Way
Thornton CO 80229

Mark Maes 2/11/2021
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

2-22-21
1301 Marigold Dr
80221
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Marilyn Spickler submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: I greatly oppose the application submitted by the AI project Tuscan South. I believe it would have an incredibly negative impact on our community. Brighton has worked so hard and come so far in trying to develop business and a sense of pride. I believe all that will be lost if AI is allowed it's gravel pit at the western gateway to Brighton. I have many concerns about the economic, environmental and health impacts of this project as well. Please say no to this permit! Thank you for your time.
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Jose J Martinez
7701 Brighton BLVD #11
Commerce City CO 80022
Dear Commissioners,

Tuesday you will once again have the opportunity to decide our fate on the Tucson South Gravel Pit application.

VOTE NO: THIS proposal is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
(An industrial activity/gravel mine doesn't belong near the downtown district and the residential homes to the west).

WE DO NOT WANT A MINING PIT OPERATING FOR 8 more like 20 yrs! THIS WILL DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA, noise, dust, health risk and blight.

1) NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE. Nor will this block the view of the pit under construction. This is the entryway to Brighton and it is an expansive view traveling downhill on hwy 7 and this will stick out like a large scare on the earth. No amount of Landscaping will provide a natural shield of the mine. Drive by sometime & see for yourself.

2) The 10 - 50 mph winds we have in this area will move the silica and dust!!! We have micro gust all the time, a monitor won't stop this from happening. The original proposal said it was going to be wet mining now it says it will be dry mining. all the loosening of the gravel as they are loading the conveyor and transporting it will create dust. what happens as the conveyor travels north who going to monitor it than? Also what about all the dust created when they truck in tons+++++ of Bentonite to create SEVERAL miles of slurry walls to be built prior to the mining?

3) LOOK AT THE RECORD OF THIS COMPANY AND OF COMPLETING PROJECTS ON TIME in WESTMINSTER, EIGHT YEARS THERE HAS TURN INTO 20 YEARS! It also had an 8 year project timeline & uses conveyors. They have 3 or 4 projects that still are not completed 10 year projects that are now going on 20+ years. The theory by AI is once they get their foot in the door they will deal with the extension later when they don't finish on time. Nobody going to grant an extension when the gigantic hole is half done.

4) Why should we suffer for Aurora needs? There is NO WAY to guarantee at what point these ugly reservoirs will EVER have water in them. With the Challenger Reservoir soon to be emptied, and the Walker Reservoirs soon to be emptied as well, that will leave Aurora will essentially 3 or 5 empty reservoirs. If you haven't driven up north of 168th on Road 23 1/2 - it is worth the drive! The folks who live here should not have to suffer for Aurora's needs. There is no info structure to fill these additional pits and no guarantee by Aurora to do so.

Please VOTE NO: THIS proposal is not compatible with the surrounding area!!
Mary Jane & Alan Olsavsky
Brighton 80602
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

1616 E. 78th Ave. Lot 53
Denver CO 80229
Dear Sir/Madam,

I work in Adams County and I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

This is an industry I believe we should support because it helps create a product that we can use here in Adams County and the surrounding metro area.

I am asking you to vote to approve the Tucson Mining Project.

Sincerely,

Timberlan Meritt
3758 E. 104th Ave, Apt. 59
Thornton, CO 80233
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Michelle Monk submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: I am opposed. I know you’ve heard all of the reasons residents are opposed: hazardous dust, trucks (despite a conveyor, there will be trucks for other stated reasons), eyesore, NO BENEFIT to immediate area, poor track record with AI, not harmonious with surrounding area as required, etc. Please consider all of these reasons, especially the lack of benefit for those of us most impacted by this mining. The only pros I hear about this project is that we need the material (nobody is saying we don’t; just that the opportunity to mine this area has passed) and that the residents will get a lake with trails when it's done. The end result is NOT a beautiful “lake” with recreation afterwards. The reservoir will sit empty with a fence around it; look to the pits to the north for examples – they are nearly empty even with the unallowed water that has leaked into them. Please say no to this application, as there is no accountability to provide anything of TRUE benefit to those impacted the most.

View and Analyze eComments
Dear Sir/Madam,

I live and work in Adams County and I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

This is an industry I believe we should support because it helps create a product that we can use here in Adams County.

I have lived here for 5 years and I am raising my family here. We need to think about what we want for our children and the community benefits that will be available once the project is done will be used by our kids and their kids.

I am asking you to vote to approve the Tucson Mining Project.

Sincerely,

James Morales
178 n 9th Ave.
Brighton, Co 80601
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Michael G. Morris  
15850 Eliz Cir W  
Thornton, CO 80602
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

[Signature]

[Address]

80602
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

[Signature]

[Name]

[Date]
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

Claudia Ocampo
1838 E. 98th Ave  
Thornton, CO 80229
From: Mary Jane Olsavsky <maryjaneolsavsky@gmail.com>
Sent: Monday, March 8, 2021 8:39 AM
To: Eva Henry <EHenry@adcogov.org>; Steve O'Dorisio <SODorisio@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Chaz Tedesco <CTedesco@adcogov.org>; Lynn Baca <LBaca@adcogov.org>; Greg Barnes <GJBarnes@adcogov.org>
Subject: New Comments on proposal....Tuscon South EXG2020-00001

Please be cautious: This email was sent from outside Adams County

Dear Commissioners,

Tuesday you will once again have the opportunity to decide our fate on the Tucson South Gravel Pit application.

VOTE NO: THIS proposal is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
(An industrial activity/gravel mine doesn't belong near the downtown district and the residential homes to the west).

WE DO NOT WANT A MINING PIT OPERATING FOR 8 more like 20 yrs! THIS WILL DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA, noise, dust, health risk and blight.

1) NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE. Nor will this block the view of the pit under construction. This is the entryway to Brighton and it is an expansive view traveling downhill on hwy 7 and this will stick out like a large scare on the earth. No amount of Landscaping will provide a natural shield of the mine. Drive by sometime & see for yourself.

2) The 10 - 50 mph winds we have in this area will move the silica and dust!!! We have micro gust all the time, a monitor won't stop this from happening. The original proposal said it was going to be wet mining now it says it will be dry mining. all the loosening of the gravel as they are loading the conveyor and transporting it will create dust. what happens as the conveyor travels north who going to monitor it than? Also what about all the dust created when they truck in tons+++++ of Bentonite to create SEVERAL miles of slurry walls to be built prior to the mining?

3) LOOK AT THE RECORD OF THIS COMPANY AND OF COMPLETING PROJECTS ON TIME in WESTMINSTER, EIGHT YEARS THERE HAS TURN INTO 20 YEARS! It also had an 8 year project timeline & uses conveyors. They have 3 or 4 projects that still are not completed 10 year projects that are now going on 20+ years. The theory by AI is once they get their foot in the door they will deal with
the extension later when they don't finish on time. Nobody going to grant an extension when the gigantic hole is half done.

4) Why should we suffer for Aurora needs? There is NO WAY to guarantee at what point these ugly reservoirs will EVER have water in them. With the Challenger Reservoir soon to be emptied, and the Walker Reservoirs soon to be emptied as well, that will leave Aurora will essentially 3 or 5 empty reservoirs. If you haven't driven up north of 168th on Road 23 1/2 - it is worth the drive! The folks who live here should not have to suffer for Aurora's needs. There is no info structure to fill these additional pits and no guarantee by Aurora to do so.

Please VOTE NO: THIS proposal is not compatible with the surrounding area!!

Mary Jane & Alan Olsavsky
Brighton 80602
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

[Signature]
Estimado señor, señora,

Vivo y trabajo en el condado de Adams y le escribo para informarle que apoyo el permiso propuesto, EXG2020-00001 Aggregate Industries WCR, Inc. - Área minera de grava.

Esta es una industria que creo que debemos apoyar porque ayuda a crear un producto que podemos usar aquí en el condado de Adams.

He vivido aquí durante 15 años y estoy criando a mi familia aquí. Necesitamos pensar en lo que queremos para nuestros hijos y los beneficios comunitarios que estarán disponibles una vez que el proyecto esté terminado, serán utilizados por nuestros hijos y sus hijos.

Les pido que voten para aprobar el Proyecto Minero de Tucson.

Sinceramente,

Jose Pacheco
9202 Adams Street
Thornton, CO 80229
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare rely on.

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Sincerely,

[Signature]

466 Central Brighton CO 80601
Commissioners:

Hopefully, you will have been able to actually tour the property just west of Highway 85 between Highway 7 and Wattenburg. This will have given you visual proof of the typical mess Aggregate leaves the land in during and after their digging. They are not do-gooders! Anything, but! Hacked out areas, huge piles of dirt, etc.

The entry way to YOUR COUNTY SEAT should have at least an appealing amenity. Such as a Recreation area including places to park for opportunities to have picnics, sport fields or courts, and if there is water, a place to fish.

We are proud, being the County Seat of Adams County, but emphatically object to a long-term project that doesn’t in anyway benefit our Community, Citizens or Businesses.

In my opinion, Aggregate has caused their own grief, because of their lousy “Track Record”! The conditional use, as I understand it, is NOT compatible with the surrounding area, and NOT harmonious with the character of the neighborhood.

It would be DETRIMENTAL - to the immediate area; to the future development of the area; AND to the health, safety, and welfare of the inhabitants of this area in YOUR County!

Again, Thank You for your learned thoughtfulness.

Respectfully, Jan Pawlowski, Former Brighton Mayor and Adams County Commissioner
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

[Signature]

James Peterson
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

2.14.21
Comisión de Planificación y Zonificación del Condado de Adams

4430 South Adams County Parkway
Brighton, CO 80601-8204

Estimado condado de Adams,

Le escribo en apoyo del Proyecto Minero de Tucson South. Como residente de toda la vida del condado de Adams, mi familia y yo apoyamos plenamente la extracción de este pozo de grava.

Este es un proyecto que beneficiará a la comunidad a largo plazo. Obtendremos una hermosa reserva con senderos y un hábitat natural que podremos disfrutar por generaciones. Crear espacios al aire libre para que la gente disfrute es importante para el futuro de nuestro condado.

He vivido en el condado de Adams toda mi vida. Soy un miembro activo de la comunidad. Le pido que vote sí sobre el permiso propuesto para este proyecto.

Sinceramente,

Agustín Prieto-Loya
9291 Wigham Street
Thornton, CO 80229

[Signature]
February 24, 2021

Adams County Planning Commission
430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218

RE: Case: Tucson South, EXG2020-00001

Dear County Commissioners,

I am writing this letter regarding the referenced case involving Aggregate Industries seeking a conditional use permit to allow an extraction use. As a commercial real estate broker that has worked in the Metro Denver area for over 28 years, I have witnessed significant growth and development during that time. I believe that sand and gravel resources are essential backbone materials that form the building blocks for development that helps our economy grow and prosper. They allow for the building of office, industrial, retail and single family and multi-family residential development. In addition, they also help build the infrastructure that we all rely on every day. For these reasons, I support this project.

Best regards,

Steve Hager
844 Eaglestone Drive
Castle Rock, CO 80104
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Efrain Rodriguez

4500 E 88th Ave.
Henderson, Co 80640
Lot #2
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

 Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Jose Rodriguez
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely, 

[Signature]  
2/9/2021

I have lived in Adams Co. for 38 years.
Estimado señor, señora
Condado de Adams

Razón para escribir:
- Le escribo para pedirle su apoyo con el permiso propuesto para el proyecto Tucson South Mining.
- Le escribo para informarle que apoyo el permiso propuesto, EXG2020-00001 Aggregate Industries WCR, Inc. - Área minera de grava.

Introducción
- He vivido en el condado de Adams durante 18 años.
- He vivido en el condado de Adams toda mi vida.
- Crecí en el condado de Adams y ahora estoy criando a mi familia aquí.
- Vivo y trabajo en el condado de Adams.
- Trabajo en el condado de Adams como super and esto ayudará a personas como yo que trabajan en esta industria.
- He trabajado en el condado de Adams durante 23 años.

Por qué estás apoyando:
- Creo que este es el tipo de proyecto adecuado para el área y lo apoyo plenamente.
- Creo que este proyecto beneficiará al condado de Adams y los beneficios comunitarios que estarán disponibles cuando el proyecto esté terminado harán que el área sea mejor de lo que está ahora.
- Trabajo como super y estoy ayudando a personas como yo que trabajan en esta industria.
- Creo que los senderos y el espacio al aire libre que estarán disponibles después de que finalice el proyecto serán una adición increíble a nuestra comunidad.
- Esta es una industria importante para nuestro condado, y debemos aprovechar los recursos que están disponibles, de lo contrario tendremos que obtenerlos de otro lugar.
- Esto es lo correcto y todo el proyecto se realizará en 8 años.

Conclusión
Le pido que por favor apoye este permiso propuesto.
Gracias por considerar apoyar este permiso.
Vote sí para apoyar el proyecto de Minería de Tucson South.

Sinceramente,

Marcelino Sanchez
9221 Myrna place
Thornton, CO 80229
Comisión de Planificación y Zonificación del Condado de Adams
4430 South Adams County Parkway
Brighton, CO 80601-8204

Estimado señor, señora
Condado de Adams

Razón para escribir:
- Le escribo para pedirle su apoyo con el permiso propuesto para el proyecto Tucson South Mining.
- Le escribo para informarle que apoyo el permiso propuesto, EXG2020-00001 Aggregate Industries WCR, Inc. - Área minera de grava.

Introducción
- He vivido en el condado de Adams durante 28 años.
- He vivido en el condado de Adams toda mi vida.
- Crecí en el condado de Adams y ahora estoy criando a mi familia aquí.
- Vivo y trabajo en el condado de Adams.
- Trabajo en el condado de Adams como Ao.
- He trabajado en el condado de Adams durante 27 años.

Por qué estás apoyando:
- Creo que este es el tipo de proyecto adecuado para el área y lo apoyo plenamente.
- Creo que este proyecto beneficiará al condado de Adams y los beneficios comunitarios que estarán disponibles cuando el proyecto esté terminado harán que el área sea mejor de lo que está ahora.
- Trabajo como Si y esto ayudará a personas como yo que trabajan en esta industria.
- Creo que los senderos y el espacio al aire libre que estarán disponibles después de que finalice el proyecto serán una adición increíble a nuestra comunidad.
- Esta es una industria importante para nuestro condado, y debemos aprovechar los recursos que están disponibles, de lo contrario tendremos que obtenerlos de otro lugar.
- Esto es lo correcto y todo el proyecto se realizará en 8 años.

Conclusión
Le pido que por favor apoye este permiso propuesto.
Gracias por considerar apoyar este permiso.
Vote si para apoyar el proyecto de Minería de Tucson South.

Sinceramente,

Martín Sanchez
7710 E. 123rd Ave.
Thornton, CO 80602

[Signature]
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Tim Scott
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Sir/Madam,

I live and work in Adams County and I am writing you to let you know I am supporting the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

This is an industry I believe we should support because it helps create a product that we can use here in Adams County and the surrounding metro area.

I am asking you to vote to approve the Tucson Mining Project.

Sincerely,

Marvin Temple  
12893 Forest Way  
Thornton, CO 80241
Dear Adams County,

I have lived in Adams County for 7 years. I also work as a [occupation] in Adams County. I am writing to ask you to support the proposed permit for the Tucson Mining Project, Gravel Mining area.

This project is important to people like me and the jobs we do. The gravel is a valuable resource that is used in building roads and infrastructure and is important to our community.

I am asking you to vote yes on the proposed permit.

Sincerely,

Zachary Thenell
10159 Yampa Street
Commerce City, CO 80022
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,  
Scott Thomas  

[Signature]  
2-22-21
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know firsthand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

Karl P. Thullen

[Signature]
Dear Commissioners:

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Sincerely,

Juan Pablo Vazquez
2-22-21
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

Manuel Vigil
Adams County Board of County Commissioners
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

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Sincerely,

[Signature]

Kevin Vivens

[Signature]
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

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Sincerely,

[Signature]

[Date]

2-19-2021
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

Randy Zuber
49860 E. 56th Ave.  
Bennett Co 80102.
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204 

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

[Signature]

Marcial Lopez  
1469 Marion St.  
Northglenn CO 80233
Adams County Board of County Commissioners  
4430 South Adams County Parkway  
Brighton, CO 80601-8204  

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001.Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

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Sincerely,

[Signature]

Pablo Lopez
11664 Marion St.
Northglenn CO 80233
March 9, 2021

Adams County Board of County Commissioners
4430 South Adams County Parkway, 5th Floor, Suite C5000A
Brighton, CO 80601-8216

RE: Comments on the Conditional Use Permit to Allow Extraction Use in Agricultural-1 (A-1) Zone District, Case Name Tucson South, Case Number EXG2020-00001

Dear Adams County Board of County Commissioners:

The City of Aurora appreciates the opportunity to comment on the Conditional Use Permit for gravel mining submitted by Aggregate Industries in case number EXG2020-00001.

The City of Aurora is located within three counties, Adams, Arapahoe and Douglas. City Council Wards I and II are both partially in Adams County. Ward I, represented by Councilwomen Crystal Murillo, includes 5.7 square miles within Adams County and more than 5,800 homes and businesses. Ward II, represented by Councilwomen Nicole Johnston, includes 55 square miles within Adams County and there are more than 4,100 homes and businesses in this area, as well. The Aurora Water Department recently brought this project to our Water Policy Committee and full City Council and it was unanimously approved at both.

This project will allow our Water Department to continue to supply safe and reliable water resources to our citizens. Adding additional water related infrastructure will give our Water Department more opportunities to collaborate with other water providers such as the City of Brighton, the City of Thornton, South Adams County Water and Sanitation District and the City of Westminster.

I understand that Aggregate Industries is proposing to do all they can to minimize the impacts to the local community during the mining process. The City of Aurora is also offering that post-mining uses include passive recreational opportunities. These will be developed through a collaborative and local stakeholder process and will benefit the local community. This project will also enrich the local market with sand and gravel resources that provide for not only new construction but also repair and replacement of our roads and other infrastructure. We urge you to look towards the end of the mining process and the potential benefits to all the constituents in Adams County, as you review this project.

We appreciate your time and the consideration of our comments in the application. Please contact me or my staff with any questions or requests for additional information.

Sincerely,

Mike Coffman
Mayor
City of Aurora
From: John Ashburn <jashburnjr@hotmail.com>
Sent: Monday, March 8, 2021 2:07 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Cc: john.ashburn@hotmail.com
Subject: Case # EXG2020-00001 Aggregate Industries – Tucson South

Please be cautious: This email was sent from outside Adams County

Dear Adams County Board of Commissioners,

I am writing this email to express my extreme concern regarding the Aggregate Industries/Tucson South proposal to allow extraction use in an Agricultural-1 (A-1) zone district. As you know, this application, if approved, would site an open pit aggregate mining operation immediately to the west of downtown Brighton and directly between downtown Brighton and an extremely large area of Brighton that is currently undergoing new residential development. My wife and I live in the subdivision immediately adjacent to the west side of the proposed site. As someone with more than two decades of experience with above ground and below ground mining operations, I can tell you that despite mitigation efforts, the proposed open pit aggregate mining operation will almost certainly create both dust and noise issues for both downtown Brighton and the surrounding residential areas, both current and future. In addition, the operation will almost certainly depress real estate values during the term of its operation. While the area proposed for this operation may have been an appropriate one 10 or 15 years ago, it is no longer an appropriate area for such an operation. Brighton is growing rapidly and has a very “bright” future. At this point in time, the Adams County Board of Commissioners should be focused on the development of this area in a manner that will benefit Brighton and its citizens as the community continues to grow, not a project that will certainly have an adverse impact on future economic development. The area in question is now much better suited to residential or commercial development, both of which would be much more compatible with the other current and planned developments in the area. It would neither be appropriate, nor responsible, for Adams County Board of Commissioners to allow an open pit aggregate mining operation to be first established in the middle of a thriving and actively developing community. This is definitely not a harmonious and compatible use with the surrounding area, which now includes an immediately adjacent residential subdivision with homes in the $500,000.00 to $1,000,000.00 range as well as an adjacent park and very nearby downtown center. Accordingly, I would respectfully request that the Board of Commissioners not approve the proposed conditional use permit for Aggregate Industries. I would like to have my comments read at the upcoming meeting of the Commissioners and also included verbatim in the public record of this case. Thank you for your time and consideration.

Sincerely,
John F. Ashburn, Jr.
Attorney at Law
11581 E. 161st Ave.
Brighton, CO 80602
From: Jeanne <J.M.Ashburn@hotmail.com>
Sent: Monday, March 8, 2021 2:43 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Tucson South EXG2020-00001

Please be cautious. This email was sent from outside Adams County

Dear Commissioners,

Please vote NO on the Tuscan South Mining project. This mine is NOT compatible with the area, including the main entrance into Brighton and our neighborhood, Todd Creek Riverside!

We, as many of our Riverside neighbors, are in our senior years. Our enjoyment of our home, the peace we all experience here, and the views will all be taken from us if this project goes forward. Our home is our sanctuary, where peace and health are key. What do we do when that is taken away?

Aggregate Industries obviously has the ability to use top lawyers to help win this fight. As members of a community that will have to suffer the consequences and live with this for the foreseeable future, we do NOT have the resources to hire major law firms to fight for us. All we have is YOU, the people we voted into office to represent us. We hope and pray you have the COMPASSION and UNDERSTANDING to make the right decision to protect our lives and wellbeing.

Many of AI’s customers submitting testimonies aren’t even from our Adam’s County. These testimonies should not be considered as heavily as those who will have to deal with this mess, dust, ugliness, health issues and unpleasant living conditions for the next decade.

I truly hope that you are never faced with a situation like this, worried that a company’s ambition will ruin your views, health and enjoyment of life, especially in your senior years as it will ours. It is SO difficult knowing that this decision may be weighted against the common population most affected, and will be made by people who do not know us, or have even seen our community. It is a horrible situation to be in for those of us whose quality of life will be diminished.

PLEASE, PLEASE, PLEASE take this into heavy consideration as you make your decision.

Thank you for your consideration!

Sincerely,
Jeanne Ashburn
11581 E 161st Ave
Brighton

Sent from my iPhone
Hi Erica,

I went to the ecomment to enter a comment (which was smaller than the 1,000 character limit) but the software would not take the comment. It might have been because I had already registered to speak - although I unregistered and it still would not take it. The comment is as follows:

Please recognize what AI has before you today is substantially the same as the final 2019 proposal you unanimously rejected with one major exception – significant negative factors have come to light since 2019 not the least of which is that Aurora has no way to and does not plan to put water in 5 of their pits in this immediate area for at least 15 and possibly up to 30 years. We will be left with massive blight - ugly unkept weed filled dusty holes in the ground! What a healthy and inviting environment for residents and future residents and a welcoming site for the entrance to Brighton!

This proposal has not and does not meet the County's requirements for a CUP because it is not compatible with the surrounding area and not in compliance with other of the County's requirements. There is no way to negate all of these effects through conditions of approval - especially conditions of approval that have no substantial consequences to AI if not met.

Please do the right thing, take heed of Brighton area residents' comments (which are virtually all opposed to this project) and not those favorable comments from people who do not live here. Vote NO on issuance of a CUP.

I do not know if you can insert this but if not I will make it part of my verbal comments tomorrow.

Thanks, Mike Lloyd

-----Original Message-----
From: Erica Hannah <EHannah@adcogov.org>
To: Mike Lloyd <bmlloyd@aol.com>
Sent: Mon, Mar 8, 2021 1:37 pm
Subject: RE: speak at public meeting

Hi Mike,

Unfortunately each person will have just the 3 minutes, if you choose not to speak it will not add additional time to someone else’s 3 minutes. Thank you.

Thanks,

Erica

Erica Hannah
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Michael Moore submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: I am opposed to this for the following reasons: - There does not appear to be a benefit to Adams Country or the surrounding areas. The mining is focused solely on the material needed, with little focus on revamping the land after the mining period. This would result in little financial benefit to the area short or long-term as well as an ongoing eyesore and challenge for future development (e.g. shopping, river walk, etc.). - The environmental and health impacts are not a negligible consideration either. Considering the materials being mined are known to have health impacts to residents and the amount of trucks, dust and industrial use of the area it is hard to see how this benefits the residents or the river area, which currently has a fair amount of use by families year-round. I would encourage you to vote against this proposal in the best interest of Adams County, its residents and businesses.

View and Analyze eComments
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Alan Olsavsky submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: VOTE NO: THIS proposal is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area 1) NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE. Nor will this block the view of the pit under construction. 2) The 10 - 50 mph winds we have in this area will move the silica and dust!!! We have micro gust all the time, a monitor won't stop this from happening. The original proposal said it was going to be wet mining now it says it will be dry mining. 3) LOOK AT THE RECORD OF THIS COMPANY AND OF COMPLETING PROJECTS ON TIME in WESTMINSTER, EIGHT YEARS THERE HAS TURN INTO 20 YEARS! It also had an 8 year now 21 project timeline & uses conveyors. 4)There is NO WAY to guarantee at what point these ugly reservoirs will EVER have water in them. . There is no info structure to fill these additional pits and no guarantee by Aurora to do so.

View and Analyze eComments

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John Alge submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 5. PUBLIC COMMENT

eComment: Good morning Madam Chair & Commissioners! My name is John Alge, & I serve as both Sergeant at Arms & Food Drive Committee Chair with the Rotary Club of Northglenn-Thornton. We would like to remind everyone that our Virtual Food Drive continues through Friday, March 26. Our food drive supports four amazing food pantries: Northglenn: Good Shepherd Presbyterian Church Immaculate Heart of Mary Food Bank Thornton: Food For Hope Thornton Community Food Bank We are accepting donations for our pantries at our web page: www.northglennthorntonrotary.org/donate There is also info on our FB page Rotary Club of Northglenn-Thornton We thank everyone who has donated to this point, & we hope you will consider helping us feed our neighbors in need, as the need has never been greater than now due to the ongoing COVID-19 pandemic. Thank you Commissioners for all you do for our amazing County!

View and Analyze eComments

This email was sent from https://granicusideas.com

Unsubscribe from future mailings
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

WAYNE MUHLER submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: A project past it's time with no benefit to the neighbors or county.

View and Analyze eComments
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

tania de la cruz submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: Dear County Commissioners, We are the De La Cruz family and we live on Tucson St. We were only just made aware of the hearing today. We will never be able to open our windows or enjoy being outside. It will ruin our lives and destroy our property value. There is a tree across the street that has a bald eagle in it almost daily and that tree would probably be removed. I am also worried about my flood insurance increasing. Dust would also be a problem to us since we are right in between the mining. All that dust will affect my families health. There will probably be lots of traffic due to all the trucks passing by and that will cause lots of noise too. All that noise will probably cause my animals to be stressed. Please do not allow any mining here.

View and Analyze eComments
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Jeanne Ashburn submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: Please vote NO on the Tuscan South Mining project. This mine is NOT compatible with ANYTHING in this area! Many of us in Todd Creek Riverside are seniors. Enjoyment of our homes, our peaceful environment and views will be greatly diminished if this project goes forward. Our home is our sanctuary, where peace and health are key. What do we do when that is taken away? AI has top lawyers to help them win. Those of us that have to live with this do NOT have the resources to hire lawyers. All we have is YOU, the people WE voted for to represent US. We hope you have the COMPASSION to make the decision to protect our lives and wellbeing. I truly hope you never have to worry that a company’s ambition will ruin your health and enjoyment of life. It is SO difficult knowing this decision will be made by people who do not know us or our community. PLEASE make the right decision!!!! Jeanne Ashburn 11581 E 161st Ave Brighton

View and Analyze eComments

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January 5, 2021

Chance Allen
Regional General Manager
Aggregate Industries – WCR, Inc.
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Re: Tucson South Resource Gravel

Dear Mr. Allen

INTRODUCTION
I hold the following opinions and conclusions in this report to a reasonable degree of medical and toxicological probability. Should further information become available, I reserve the right to amend my report or opinions. The basis of my opinions is put forth in the body of this letter.

STATEMENT OF QUALIFICATIONS
I am Scott D. Phillips, a medical doctor specializing in toxicology and environmental toxicology. I am an Associate Professor, at the University of Colorado, Department of Medicine, Division of Clinical Pharmacology and Toxicology. I am a faculty member at the Rocky Mountain Poison & Drug Center in Denver and the Washington Poison Center in Seattle. I am board certified in both internal medicine and medical toxicology and am licensed in the states of Colorado and Washington.

Medical toxicology is a scientific discipline concerned with the evaluation, diagnosis, and treatment of adverse effects of chemical substances, including pharmaceuticals, on living systems. Fundamental to the sub-specialty is that medical toxicologists must routinely perform an assessment of whether there exists a causal link between an exposure to a chemical substance and an adverse effect. Such an analysis requires the application of proper and generally accepted scientific methodologies.

During my over thirty-year medical career, I have assessed hundreds of environmental sites both domestically and internationally. I have authored, contributed to and edited numerous textbooks on
environmental toxicology.

**SCOPE**
I have been asked to review the submitted materials as related to toxicology and the potential human health impact assessment of adjacent neighborhoods from the development of the Tucson South Resource Gravel Pit Site (TSRGPS), located one mile west of the City of Brighton in Adams County, Colorado. In accordance, I have considered air models, geographic variables and the scientific literature. Regarding the TSRGPS, Aggregate Industries-WCR, Inc. has filed a proposed eight-year Conditional Use Permit for a mining and reclamation project.

**TUCSON SOUTH RESOURCE GRAVEL PIT SITE**
Detailed in the Conditional Use Permit application is the Permit Boundary comprised of two mining areas. The areas are Assessor’s Parcel Numbers: 0157101000016, 0157101000017, 0157101000028, 0157101000033, 0157101000034, 0157101000035, 0157101002001, 0157101100002, 0157101200010, 0157101300001, and 0157101300002.

Before being loaded onto a conveyor belt and frequently while traveling on the conveyor belt, water misters will dampen the gravel material in order to mitigate fugitive dust. In order to monitor effectiveness of the dust mitigation measures, real-time dust monitoring will occur.

**PARTICULATE STUDY**
Aggregate Industries-WCR, Inc. contracted with Trinity Consultants to conduct a worst-case Ambient Air Quality analysis using the CDPHE and US EPA recommended dispersion model, AERMOD. The follow table provides a summary of these findings, and the report is an attachment to the Conditional Use Permit Application.¹

As illustrated in the following table, the PM$_{10}$ and PM$_{2.5}$ modeled analysis for particulates are well below the National Ambient Air Quality Standards (NAAQS)² for particulates. These exposure levels are protective of all community members including sensitive populations. It is my medical and scientific opinion that there would be no clinical health risk of PM$_{10}$, PM$_{2.5}$ to nearby residents.

---


² [https://www.epa.gov/criteria-air-pollutants/naaqs-table](https://www.epa.gov/criteria-air-pollutants/naaqs-table)
Even though the studies show no health risk, Aggregate Industries-WCR, Inc. plans on instituting engineering controls (using conveyor belts, and direct dust mitigation techniques) to further reduce project-related dust.

**CONCLUSIONS**

1. The mining and reclamation activity at the Tucson South Resource Gravel Pit Site will cause no negative health impact to nearby residents, including populations sensitive to particulates.
2. The air study concludes that both PM$_{10}$ and PM$_{2.5}$ particulates are well below the National Ambient Air Quality Standards.
3. The Tucson South Resource Gravel Pit Site mine meets regulatory health requirements.

Respectfully submitted,

Scott D. Phillips, MD, FACP, FACMT, FAACT
Dear honorable members of the Adams County BOCC:

Hispanic Contractors of Colorado (HCC) has been monitoring application EXG2020-00001 Aggregate Industries WCR, Inc.- Gravel Mining Area. HCC wholeheartedly supports this application. The modifications to the application from 2019 to 2021 are significant and are harmonious with the surrounding community.

Founded in 1990, Hispanic Contractors of Colorado (HCC) is a professional trade association 501(c)(6), representing over 160 members with inclusive membership from all backgrounds. Focused on commercial and public projects, our membership includes general contractors, subcontractors, specialty contractors, A/E firms, public entities, suppliers, and service providers. We collaborate with other trade associations such as ABC, ACEC, AGC, BCG, CCA, COMTO, IECRM and SMACNA.

Our objective is to influence the industry as it relates to opportunities for the advancement and well-being of diverse construction companies of all types. We create the forum for expression of a unified voice for our industry and “essential” workforce. That information sharing happens when our members, Primes, Agencies and Trades use their expertise in training and advocacy, which strengthens our entire industry. Our members are committed to the needs of all large and small members and the overall sustainable success of the construction industry.

We hope the BOCC approves this worthwhile application.

Sincerely,

Rosy Aburto McDonough
Executive Director · Hispanic Contractors of Colorado
1114 West 7th Ave., Ste 250
Denver, CO 80204
Phone: 303-893-3893  Cell: 303.916.2720
rosy@hcc-diversityleader.org
www.HCC-DiversityLeader.org
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

John Ashburn submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: Aggregate Industries proposes to site an open pit gravel mining operation directly between downtown Brighton and an extremely large area currently undergoing new residential development and immediately adjacent to both a residential subdivision with $500K to $1MM homes and a park. Despite mitigation efforts, the operation will almost certainly create both dust and noise issues for the surrounding area and depress real estate values during the term of its operation. While this area may have been appropriate for a gravel pit 10 or 15 years ago, it is no longer an appropriate area for such an operation. It would not be appropriate, nor responsible, for the Commissioners to allow an open pit mining operation to be first established in the middle of a thriving and actively developing community. This is definitely not a harmonious and compatible use with the surrounding area. Accordingly, I would respectfully request that the Board not approve the proposed Aggregate Industries project.

View and Analyze eComments
Thank you for your comments. I have copied staff to ensure your comments are included in our record.

Emma Pinter
Adams County Commission
ADAMS COUNTY, COLORADO
4430 South Adams County Parkway, 5th Floor, Suite C5000A Brighton, CO 80601
O: 720-523-6867
C: 720.239.2053

pronouns she/her/hers

Neighborhood Groups:
http://www.adcogov.org/neighborhood-groups

Adams County Service A-Z:
http://www.adcogov.org/a-z-services

On Mar 6, 2021, at 8:48 AM, mcsfh157@aol.com wrote:

Please be cautious: This email was sent from outside Adams County

Dear Commissioners,

Tuesday you will once again have the opportunity to weigh in on the Tucson South Gravel Pit application. We can not say enough how much it meant to us for you to listen to the voices of the people who live here and call this home, . . . to prioritize our health, our environment, our efforts, and our businesses, . . . and to have said no to the location of this gravel pit - back in 2019. The quality of life in our communities is measured in many ways, but we appreciate you taking that into consideration when you review the application. Because 3 minutes could never be enough to share the discoveries of all our research, PLEASE see the attached "illustrated" notes, documentation, and findings which are very illuminating regarding this current application and the applicant's history (including with other municipalities) - particularly the 3-5-21 BoCC letter. - Thank you!

Respectfully submitted,

Sherie Gould

Sherie Gould, GRI
Broker Associate
Sterling Real Estate Group, Inc
303.919.1703 Cell
<3-5-21 BoCC letter.pdf>
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Sherie Gould submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: This land, sitting in a highly visible valley, off the main gateway to the downtown district, is NOT the appropriate place for an industrial mining activity, . . . perhaps 17 years ago it might have been (when they had planned to mine it), but not anymore. There is no way that you can begin to eliminate the off-site impacts and detriments that this mine would cause. Furthermore, there is no shortage of active gravel pits up in Weld County (which is where this gravel would be sold from) to supply our needs. This land can serve the County and community in a far better way and Aurora has not shown itself to be a good neighbor in the care they have demonstrated with their Challenger Reservoir. Please say no.
New eComment for Board of County Commissioners on 2021-03-09 9:30 AM

Mike Lehman submitted a new eComment.

Meeting: Board of County Commissioners on 2021-03-09 9:30 AM

Item: 1. 21-186 EXG2020-00001 Tucson South (File approved by ELT)

eComment: To Whom this May Concern: I am writing on behalf of the small businesses that will be impacted with the preposition around the gravel pit on or near 160th and HWY 85. Opening a gravel pit in this area will start to detour traffic from coming this way which will in turn cause a decline in business in all the small businesses around. This will not only cause a decline in foot traffic. The extra dirt and debris this will put into the air will also wreak havoc on many of the older residents as well as have an impact on all the near by appliances and mechanical machines. This will then also have an impact on these small businesses to have an increase with maintenance costs. There is a carwash near by which will have a decline in business, because who wants to go through washing their car and then right into an environment where it will get overly dirty from the normality, due to the increase of dirt and debris that will be in the air. Please do not open this up Sincerely,

View and Analyze eComments

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Regarding gravel pits and the state rules that govern reclamation, . . .
Per the DRMS, the state gives 5 years after the completion of mining to finish reclamation. The difficulty appears to be in what qualifies as mining. You can move some dirt around and you are technically still mining and thereby restart your 5 year time frame. (no penalties for that) The bonds only apply to the reclamation as they are not performance or completion bonds. There are rules regarding stockpiles as well; move some of it around within a year and you don't have to overseed.

Please see the attached letter referencing some of AI's history with Brighton. It also references their south parcel (of Tucson North that became Tract M) and skipped past reclamation.

Thank you for your time in this,

Sherie

Sherie Gould, GRI
Broker Associate
Sterling Real Estate Group, Inc
303.919.1703 Cell
Fax Transmittal Sheet

To: Mr. Harry Posey
From: City Manager, John Bramble
Fax: 303.860.8106
Date: 8.10.04
Phone: 303.860.8567
Pages: 3

Re: M-1991-140

Comments:

M-1991-140

Complaint

cc: LDO
August 10, 2004

Mr. Harry Posey
Colorado Division of Minerals and Geology
1313 Sherman St., Room 215
Denver, CO 80203

Dear Mr. Posey,

The Aggregate Industries (CAMIS) Tucson resource sand and gravel mine appears to be in violation of the state issued permit (M-91-140) at this time. The City is very concerned about the quality of this site, which is one of the entrance points to our community. In a review of the documents filed with the State of Colorado numerous variances from the mining plan are apparent when viewed from the surrounding roads. A partial list includes:

1. The fence around the property is down or missing in several areas.
2. No attempt has been made to concurrently reclaim any area of the mine.
3. Noxious weeds are not being addressed.
4. The roads on the property are not maintained as per plan.
5. Signage at the mine is not in compliance. They have been given previous notice to fix this.
6. The main haul road is not 1 1/2 inch crushed rock called for in the plan (dust and mud control).
7. Spoil and stock piles do not appear to be aligned with the floodway.
8. Berms are not per plan.
9. Highwalls (30 to 40 foot not 2-1 grade) are present which pose a very real danger, especially considering the fence.
10. No dust control has been accomplished for at least twelve months (no watering of roads, stock piles, spoil piles, and there has been no planting of grass on areas not active for more than one year.

The City also has a copy of the “Application for Permit” filed by Aggregate Industries for a new mine to the south of the present operation (M-2004-044). It is the City of Brighton’s request that this application be held until an inspection of the Tuscan mine is completed and remediation of all compliance issues are completed. The City has several concerns with the application. Aggregate Industries proposes to stock pile overburden near 12310 E. 168th Ave in piles approximately 300 feet long, 100 feet wide and 30 feet high. This storage method will lead to significant erosion/runoff problems and real dust generation. Their plan specifically calls for NO chemical or vegetation dust control.
methods to be employed if the piles are to be "active" for less than one year. Movement of one shovel of material in each pile per year would allow them to employ NO control method for the entire life of the mine. This is a practice the City finds unacceptable.

The reclamation plan calls for concurrent reclaiming of each mined area. The plan is to sell the pits for water storage. To meet this plan, Aggregate Industries will only grade the area around the pit, plant "dry land grasses" on these areas, and plant some cottonwood trees along the South Platte River. When the pits are full all reclamation would be complete. The City requests that Aggregate Industries evaluate the impacts on the Morgan Smith Nature area, which is quite close to this mining area.

Aggregate Industries also proposes to remove approximately 27 acres from the current mine and include this area in the new mine. This area to be reclaimed as wet land and upland meadow. If this is included in the new mine the area will not be reclaimed for up to 28 years.

The City is well aware that your office does not consider air pollution, noise, traffic, and other "non mining" issues. However, these issues have an impact on the City of Brighton and our residents. We request that your agency established an Annual Review by you office, Adams County, and the City to assure that these negative impacts on our community do not continue.

Sincerely,

Janice E. Pawlowski
Mayor

Cc. City Council Members, City of Brighton
Adams County Board of Commissioners
Craig Tessmer, Adams County Planning & Development
March 8th, 2021

To the Adams County Commissioners,

I am writing to you today to request your consideration in approval of the Aggregate Industries application EXG2020-00001.

In October of 2019 I wrote to you requesting your denial of their application EXG2019-0001 and appreciate and support your denial of the previous application. EXG2019-0001 was a poor plan with multiple negative impacts to the residents of Adams County and the City of Brighton. The plan was thoughtless with regards to the impact the trucking of the material would have as well as the end use of the project offered nothing for the immediate residents.

I believe EXG2020-00001 is a fundamentally different approach to mining in an area such as this and Aggregate Industries has brought to you a much different plan. I do not see the need to summarize their points and would rather relay to you my personal thoughts.

The west cell will become the immediate view from my home clear and simple. This will impact my home in some manner or another and honestly I am not excited about a sand a gravel operation being there. In 2019 I wrote to you for denial of the application that ended in ponds with no public access and today the application now includes that. The residents of Adams County and Brighton will now have new open space on the south side of Hwy 7 from the parcel Aggregate Industries has offer to donate. As I learn more about the operations of the ponds directly from Aurora Water representatives, I now realize this water is a direct benefit to Adams County residents that reside within the boundary of the City of Aurora. We must also recognize, there will no longer be the truck traffic that was originally proposed.

I understand the sand and gravel operation in this location is contentious, but the applicant has brought a fundamentally different application before you, that I believe does bring benefit to the residents of the area. I know there will be dust at some point and I expect there may be some noise, but I also look forward to the watching the sunrise over a body of water that I can now go and access and make use of.

Best Regards,

Forrest Hancock
16254 Paris Way
Brighton, CO
80602
From: Wayne Muhler <wmuhler@yahoo.com>
Sent: Monday, March 8, 2021 3:45:32 PM
To: Chaz Tedesco <CTedesco@adcogov.org>; Steve O’Dorisio <SODorisio@adcogov.org>; Emma Pinter <EPinter@adcogov.org>; Lynn Baca <LBaca@adcogov.org>
Subject: Tuscon south

Please be cautious: This email was sent from outside Adams County

I tried this using the Adams County Comment link but it would not allow the post.

I am an immediate neighbor to the Tucson South mine and have adjoining property. I have several concerns with this project.

1. AI and Aurora have a very poor history as a neighbor and have not lived up to agreements with me and the county in the past.

2. A simple visit to the proposed mine site will show noxious weeds, downed fence, incomplete reclamation of the area in this permit previously mined that was not properly reclaimed (16-18 years ago). There was been little done to rectify the problems by the land owner (Aurora) or applicant Al.

3. The hydrologic data to model ground water is out of date and extremely limited. It relies on the Challenger Pit to relieve hydrologic pressure as that mine is not lined as was required, cannot currently be used as a reservoir, is currently holding ground water outside of regulation and was never completed to the original specifications. The special use permit issued by Adams County was not adhered to and no current plan is in place to remove the ground water now accumulating in the pit. As an immediate neighbor I was not ready to look a an empty 40 acre hole for my lifetime. Aurora has stated that there is no plan to fill this "reservoir" let alone an additional 250+ acres of the proposed project. If the Challenger pit is lined or slurry walled the engineering related to ground water in the application is void, as it uses the pit as a ground water pressure relief. I was personally advised that Aurora has no way to fill either reservoir and most likely will not have the ability or desire for 20 to 30 years. Another empty hole.

4. If the application is approved there will be nearly continuous slurry wall for approximately 2 miles to the north from highway 7 directly in the path of the ground water flow from west to east towards the Platt River. I already have ground water problems without this complication. This past summer my house construction project was stopped for months as a results of lack of concern for my property rights by Aurora and with no financial aid with mitigation. Their policy is to say "sue us"!

5. A simple review of the first page of the application main body (page 20) is a perfect example of the applicants disregard for the neighbors, the intelligence of the Adams county staff, and the lack of concern by the state. The picture shows uncontrolled growth of thistle, a wet area with cattails, water and a large area not restored to the original contour. This area of land has already been mined as part of the North resource, then included in the south project to delay reclamation expense. A nice slight of hand by Al.

6. When asked how the materials will be mined the answer was that the gravel will be extracted with
conventional equipment, loaders and excavators, and will be wet when mined. The only way the product will be wet is if the slurry wall leaks as it will be in place prior to mining. The pit will be dewatered and most of the product will be dry when mined. Dust?

7. Will the gravel sold be taxed in Adams or Weld County?

8. At the last hearing when the permit was denied a senior Aggregate officer said that if the permit was granted then the mining could be completed in four years or less. Did Aggregate lie then of this time?

9. When the first permit was granted by Adams county Aggregate was required to complete the screening berms and planting during the first growing season after approval. Never happened, so what is different now? I was personally promised mature landscaping, trees, and berms to shield my property. Never happened and not now proposed. Great neighbors!

10. There are NO proposed uses for the neighbors or county residents after completion, no natural contours, only big EMPTY rectangular holes to be seen for years.

11. The conveyor will be within a couple of hundred feet of Jim Hood's house and my son's house. If it follows the west boundary of the Challenger Pit it will be immediately adjoining my buildings and house as well. No screening or noise barriers. Going under E 168th Ave will again present ground water problems that are not addressed in their permit.

This is a project that offers the neighbors and Adams county no benefits, an eyesore, and at great potential cost if the project fails to meet it's promises. Would you or any of the Aggregate Corporate officers want to live on my property, or better yet buy it?

Thank you for time. Wayne
March 8, 2021

Board of County Commissioners
4430 Adams County Pkwy
Brighton, CO 80601

Dear Commissioners,

I am writing you to express my support for the Aggregate Industries case coming to you for a decision on March 9, 2021. My support for this project is twofold. As a member of the Executive Board of the Adams County Regional Economic Partnership (ACREP), I consider myself a champion for bringing economic opportunities to Adams County. Through my involvement in ACREP, I have insight into the growth, economic activity, and the great potential for this part of the region. I know that both gravel and water resources will be incredibly important to help achieve the goals of the County and ACREP.

The second point of view that I wish to share with you is my role as President and CEO of the Associated General Contractors of Colorado. The AGC of Colorado is Colorado's leading professional association for the state's commercial building industry, representing over 600 firms. Our members are general contractors and specialty contractors who build projects that create value within our communities. Our members rely upon having access to high quality aggregate materials within a reasonable distance from their projects in order to deliver construction projects successfully. The last year has been challenging for our members as the COVID-19 pandemic created uncertainty in the market, delayed many projects, and influenced the costs of construction materials. We are hopeful that 2021 provides more certainty to help our members return to the work that they are prepared to take on to help keep our growing region competitive. Projects like the Aggregate Industries Tucson South facility will help make it possible to do so.

We understand that Aggregate Industries has taken many measures to make this facility as compatible as possible with the surrounding area including generous landscape and berm buffers, dust controls, noise mitigation, a conveyor system to eliminate the impact of trucks, reclamation that occurs as mining is completed, and a reasonable time limit to complete the project as efficiently as possible. We are also supportive of the water storage project that completes the project, as growth depends greatly on having access to adequate and reliable water resources. It is encouraging to see the cities of Brighton and Aurora working together on this project to implement a vision for our community that includes the infrastructure needed to support growth.

Sincerely,

Michael Gifford
President & CEO
Associated General Contractors of Colorado
## Net Warrant by Fund Summary

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**Golf Course Enterprise Fund**

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**Fund Total** 37,263.53
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**Fund Total** 1,182.68
## Road & Bridge Fund

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### County of Adams

#### Net Warrants by Fund Detail

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| Fund Total | 884,073.81 |
## County of Adams

### Net Warrants by Fund Detail

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## Net Warrants by Fund Detail

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County of Adams

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# Vendor Payment Report

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**Account Total**: 576.09

**Department Total**: 576.09
## Vendor Payment Report

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**Department Total**

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## County of Adams

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Retainages Payable

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### Vendor Payment Report

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## Vendor Payment Report

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**Account Total**
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County of Adams
Vendor Payment Report

Grand Total  7,395,949.11
1. ROLL CALL

Present: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

2. PLEDGE OF ALLEGIANCE

3. MOTION TO APPROVE AGENDA

A motion was made by Commissioner Pinter, seconded by Commissioner O'Dorisio, that this Agenda be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

4. AWARDS AND PRESENTATIONS

5. PUBLIC COMMENT

A. Citizen Communication

Public Comment Submitted for March 2, 2021

B. Elected Officials’ Communication

6. CONSENT CALENDAR

A motion was made by Commissioner O'Dorisio, seconded by Commissioner Pinter, that this Consent Calendar be approved. The motion carried by the following vote:
Aye: 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

A. List of Expenditures Under the Dates of February 08-12, 2021

B. List of Expenditures Under the Dates of February 15-19, 2021

C. Minutes of the Commissioners' Proceedings from February 23, 2021

D. Resolution Approving Encroachment Agreement between Hyland Hills Park and Recreation District and Adams County for Improvements in County Right-of-Way (File approved by ELT)

E. Resolution Accepting Warranty Deed Conveying Property from Christina E. Montano to Adams County for the Dedication of Road Right-of-Way (File approved by ELT)

F. Resolution Accepting Quitclaim Deed Conveying Property from Maria Torres and Victor Manual Escobar Torres to Adams County for the Dedication of Road Right-of-Way (File approved by ELT)

G. Resolution Accepting Quitclaim Deed Conveying Property from Alejandro Covarrubias to Adams County for the Dedication of Road Right-of-Way (File approved by ELT)

H. Resolution Accepting Special Warranty Deed Conveying Property from Arthur R Hoenighausen and Patricia N Hoenighausen to Adams County for the Dedication of Road Right-of-Way (File approved by ELT)

I. Resolution Approving the Tax Year 2020 Colorado Parks and Wildlife Impact Assistance Grant Application (File approved by ELT)

J. Resolution Approving Intergovernmental Agreement between the Board of County Commissioners of the County of Adams and Commerce City Housing Authority Regarding Disbursement of Emergency Rental Assistance Funds (File approved by ELT)

K. Resolution Appointing Ericka Hernandez to the Cultural Council (File approved by ELT)

L. Resolution Appointing Jesse Martinez to the Cultural Council (File approved by ELT)
7. NEW BUSINESS

A. COUNTY MANAGER

1. Resolution Approving an Agreement between Adams County and Short-Elliott-Hendrickson, Inc., to Provide Professional Engineering Services for 88th Avenue Bridge Over Wolf Creek Project
   (File approved by ELT)

   A motion was made by Commissioner O'Dorisio, seconded by Commissioner Baca, that this New Business be approved. The motion carried by the following vote:

   **Aye:** 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

2. Resolution Approving an Agreement between Adams County and Colorado Paving, Inc., for the 2021 Miscellaneous Concrete and ADA Ramps Program
   (File approved by ELT)

   A motion was made by Commissioner Baca, seconded by Commissioner O'Dorisio, that this New Business be approved. The motion carried by the following vote:

   **Aye:** 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

3. Resolution Approving Amendment Four to the Agreement between Adams County and Access Housing, Inc., to Provide Housing Services
   (File approved by ELT)

   A motion was made by Commissioner Pinter, seconded by Commissioner O'Dorisio, that this New Business be approved. The motion carried by the following vote:

   **Aye:** 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

B. COUNTY ATTORNEY

8. Motion to Adjourn into Executive Session Pursuant to C.R.S. 24-6-402(4)(b) and (e) for the Purpose of Receiving Legal Advice and Instructing Negotiators Regarding Murray Claim

   A motion was made by Commissioner O'Dorisio, seconded by Commissioner Tedesco, that this Executive Session be approved. The motion carried by the following vote:

   **Aye:** 5 - Commissioner Henry, Commissioner Tedesco, Commissioner Pinter, Commissioner O'Dorisio, and Commissioner Baca

9. LAND USE HEARINGS
A. Cases to be Heard

1. PRC2020-00010 Sherrelwood Village PUD Amendment
   (File approved by ELT)
   A motion was made by Commissioner Pinter, seconded by
   Commissioner O'Dorisio, that this Land Use Hearing be approved. The
   motion carried by the following vote:
   
   Aye: 4 - Commissioner Henry, Commissioner Pinter, Commissioner
   O'Dorisio, and Commissioner Baca
   
   Nay: 1 - Commissioner Tedesco

2. RCU2020-00027 Henderson Pit Recycling
   (File approved by ELT)
   A motion was made by Commissioner O'Dorisio, seconded by
   Commissioner Baca, that this Land Use Hearing be denied. The motion
   carried by the following vote:
   
   Aye: 4 - Commissioner Henry, Commissioner Pinter, Commissioner
   O'Dorisio, and Commissioner Baca
   
   Absent: 1 - Commissioner Tedesco

10. ADJOURNMENT

   AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE
PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 9, 2021

SUBJECT: IGA between City of Thornton, City of Commerce City, and Adams County for Preliminary Engineering and Environmental Design of the 104th Avenue Widening Project

FROM: Kristin Sullivan, AICP, Director of Public Works

AGENCY/DEPARTMENT: Public Works Department

HEARD AT STUDY SESSION ON: N/A

AUTHORIZATION TO MOVE FORWARD: ☐ YES ☐ NO

RECOMMENDED ACTION: That the Board of County Commissioners approves an intergovernmental agreement with the Cities of Thornton and Commerce City for the Preliminary Engineering and Environmental Design for the 104th Avenue Widening Project

BACKGROUND:
The City of Thornton is seeking to widen 104th Avenue from Colorado Boulevard to US 85 from two to four lanes. Thornton is requesting a cost-share for the Preliminary Engineering and Environmental Design portions of the project from the City of Commerce City and Adams County.

The 104th Avenue corridor is a major east-west connector linking residents from western Adams County and Interstate 25 to northern Commerce City, Brighton, and other destinations in and around the Denver International Airport and Colorado Air and Space Port.

The City of Thornton submitted the 104th Avenue widening project for consideration by the AdCOG Subregional Transportation Forum in early 2019. The funding request was for $1.6 million. Once approved, the project was submitted to DRCOG for inclusion in the FY 2020-2023 Transportation Improvement Program (TIP) as “104th Ave. Widening: Colorado Boulevard to US 85 Preconstruction Activities”. The DRCOG Board approved the FY 2020-2023 TIP in August 2019.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:
Public Works Department
City of Thornton
City of Commerce City

ATTACHED DOCUMENTS:
Resolution
Intergovernmental Agreement
FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

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</table>

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:
The summary of cost sharing for this project is:

$1,600,000 Federal STP-M Funds; and
$100,000 Adams County; and
$100,000 City of Commerce City; and
$200,000 City of Thornton
RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON, COMMERCE CITY, AND THE COUNTY OF ADAMS TO PROVIDE PRELIMINARY ENGINEERING AND ENVIRONMENTAL DESIGN FOR THE WIDENING OF 104th AVENUE PROJECT

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution, as well as Sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and,

WHEREAS, Adams County, the City of Commerce City, and the City of Thornton (“the Parties”) desire to work together to improve the 104th Avenue corridor from Colorado Boulevard to US 85 thereby improving the safety, operation, and functionality of the corridor (the “Project”); and,

WHEREAS, the 104th Avenue corridor is a critical component of the Parties’ transportation networks; and,

WHEREAS, the City of Thornton will be responsible for the general administration and management of the Project contract; and,

WHEREAS, Adams County will contribute $100,000.00 to the Project; and,

WHEREAS, the City of Commerce City will contribute $100,000.00 to the project; and,

WHEREAS, the City of Thornton will contribute $200,000.00 to the project; and,

WHEREAS, the purpose of the contribution is further defined in said Intergovernmental Agreement; and,

WHEREAS, the Parties desire to act cooperatively in carrying out the 104th Avenue Preliminary Engineering and Environmental Analysis Widening Project; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Intergovernmental Agreement between the City of Thornton, Commerce City, and the County of Adams to Provide Preliminary Engineering and Environmental Design for the Widening of 104th Avenue Project, a copy of which is attached hereto and incorporated herein by reference, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to execute said Intergovernmental Agreement on behalf of Adams County
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF THORNTON, COMMERCE CITY AND THE COUNTY OF ADAMS TO PROVIDE PRELIMINARY ENGINEERING AND ENVIRONMENTAL DESIGN FOR THE WIDENING OF 104TH AVENUE

This Intergovernmental Agreement (IGA) is entered into this _____ day of ____________, 2021, among the City of Thornton, a Colorado home rule municipality located at 9500 Civic Center Drive, Thornton, CO 80229 ("Thornton"), the City of Commerce City, a Colorado home rule municipality located at 7887 East 60th Avenue, Commerce City, CO 80022 ("Commerce City"), and Adams County, located at 4430 South Adams County Parkway, Brighton, CO 80601 ("Adams County"), or collectively the "Parties."

WITNESSETH

WHEREAS, Section 18(2)(a) of Article XIV of the Colorado Constitution and Sections 29-1-201, et seq., and 29-20-105 of the Colorado Revised Statutes authorize and encourage governments to cooperate by contracting with one another for their mutual benefit; and

WHEREAS, Thornton, Commerce City and Adams County plan to collaborate on the 104th Avenue Widening: Colorado Boulevard to US-85 Preconstruction Activities Project ("Project"), which will include preliminary engineering and environmental design, and thirty percent (30%) design documents for the widening of 104th Avenue to four lanes from Colorado Boulevard to US-85; and

WHEREAS, a total of twenty percent (20%) of the funding for the Project is to come from the Parties hereto, with ten percent (10%) of Project funding ($200,000) to be provided by Thornton ($200,000), five percent (5%) of Project funding ($100,000) to be provided by Commerce City, and five percent (5%) of Project funding ($100,000) to be provided by Adams County (collectively, "Party Funding"); and

WHEREAS, the Party Funding has already been appropriated or is expected to be appropriated in each of the respective Parties’ 2021 budgets; and

WHEREAS, eighty percent (80%) of the funding for the Project ($1,600,000) is to be provided by the Colorado Department of Transportation ("CDOT") using Denver Regional Council of Governments Transportation Improvement Program funds ("DRCOG TIP Funds"); and

WHEREAS, the DRCOG TIP Funds were appropriated in October 2020; and

WHEREAS, the Party Funding and the DRCOG TIP Funds are to be used for development of thirty percent (30%) preliminary engineering and environmental design,
documents for the Project, which are to be produced in hard copy and electronic form and will set the framework for the future widening of this segment of 104th Avenue to four lanes from Colorado Boulevard to US-85 (the “30% Design Documents”); and

WHEREAS, CDOT will provide oversight for design and DRCOG TIP funding, with the roles and responsibilities of CDOT with regard to such oversight to be covered by a separate agreement; and

WHEREAS, funds for final design, right-of-way acquisition, and construction are not included in this Project and are expected to be covered by future agreements and appropriations; and

WHEREAS, the Parties hereto wish to set forth their agreement regarding the respective obligations, terms and conditions for the procurement of the 30% Design Documents.

NOW, THEREFORE, in consideration of the promises and conditions contained herein, the Parties hereto agree as follows:

1. 30% Design Documents
   
   A. Project Management

   Thornton will be the lead agency and project manager with regard to the procurement and production of the 30% Design Documents. Commerce City and Adams County agree to support Thornton in this role as needed.

   B. Appropriation of Party Funding

   The Parties agree to use their best efforts to have their respective shares of Party Funding appropriated in their 2021 budgets and made available by early 2021.

   C. Project Funding

   Promptly following appropriation and subject to Commerce City’s and Adams County’s approval of the selection of the design engineering consultant as set forth in section 1(E) below, Commerce City and Adams County shall provide Thornton $100,000 each for their share of Party Funding. Thornton will contribute $200,000 for the remainder of the Parties’ $400,000 in Party Funding.

   D. Excess Costs

   If, at any time, it becomes apparent that the actual total cost of the 30% Design Documents will exceed the amount of Party Funding and DRCOG TIP Funds set forth herein, Thornton shall instruct the consultant to halt design work and the Parties shall discuss additional appropriations to cover such excess costs.
E. Procurement of 30% Design Documents

Thornton will be responsible for advertising for, selecting, and engaging a design engineering consultant for the production of the 30% Design Documents. Thornton’s selection of the design engineering consultant shall be subject to final approval from the City of Commerce City and Adams County. Final engagement of the design consultant shall be completed following and contingent upon Party Funding being received by Thornton from all Parties in accordance with subsection C. above.

F. Design Contract Requirements

In its contract with the design engineering consultant, Thornton shall include the following:

i) Insurance requirements as are standard to Thornton’s design contracts, specifically naming Commerce City, Adams County and their respective elected and appointed officials, employees, and agents as “additional insureds” (with the exception of workers’ compensation and employer’s liability insurance policies, if any). Thornton shall require the design contractor to provide a certificate or certificates of insurance to Commerce City and Adams County;

ii) To expressly name Commerce City and Adams County as third-party beneficiaries of the contract with respect to the 30% Design Documents;

iii) Indemnity provisions protecting Commerce City, Adams County, and their respective elected and appointed officials, employees, and agents to the same extent as Thornton and its directors, officers, agents and employees;

iv) To expressly name Commerce City and Adams County as third-party beneficiaries of the contract with respect to the insurance, indemnity and defense, warranty, and standard of care provisions.

G. Acceptance of 30% Design Documents

Upon substantial completion, the 30% Design Documents shall be circulated by Thornton to Commerce City and Adams County for their review and approval. Commerce City and Adams County shall review the 30% Design Documents and provide comments, if any, to Thornton within thirty (30) days of the City’s receipt of the 30% Design Documents, or within such other reasonable period of time as may be mutually agreed upon by the Parties. Following review, Commerce City and Adams County shall each provide written notice to Thornton of their acceptance or conditions to acceptance thereof. Subject to and following final approval by all Parties, Thornton shall provide acceptance of the 30% Design Documents to the consultant.

H. Circulation of 30% Design Documents
Once completed and accepted, Thornton shall, and shall be authorized to, provide copies of the 30% Design Documents to all Parties and other agencies and entities, as necessary for the Project and future work on the widening of 104th Avenue to four lanes from Colorado Boulevard to US-85.

I. Permits and other Approvals

The Parties hereto shall cooperate with each other and with the selected design engineer in connection with any necessary permitting associated with the Project. It is acknowledged that since the Project involves design activities within the right-of-way located within the jurisdiction of Commerce City and Adams County, permits from Commerce City and Adams County will be required for the Project. The Parties agree that all applicable permit fees for such permits shall be waived.

J. Design Progress

No Party shall have the right to stop or significantly delay design, or to take any action that would cause design to be stopped or significantly delayed, without the written consent of the other Parties, except in the event of an emergency; provided however that any exercise of Commerce City’s approval rights as more specifically detailed herein shall under no circumstances be construed as a “delay” for the purposes of this section.

2. TERM AND TERMINATION

This Agreement shall continue in effect until final acceptance of the 30% Design Documents and circulation thereof to all Parties or, in the event of non-appropriation of Party Funding by any Party, upon written notice given by such party to the other Parties hereto.

3. GENERAL TERMS

A. Each Party hereto shall be responsible for any suits, demands, costs, or actions at law resulting from its own acts or omissions.

B. Any notice required by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth above, or at such other address as has been previously furnished in writing, to the other Party. Such notice shall be deemed to have been given when deposited in the United States mail.

C. This Agreement represents the entire Agreement between the Parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Parties.
D. Notwithstanding any other term, condition, or provision herein, each and every financial obligation of Thornton, Commerce City and Adams County stated in this Agreement is subject to the requirement of a prior appropriation of funds therefor by the parties’ respective governing bodies. This Agreement will neither constitute nor be deemed a multiple fiscal-year debt or financial obligation of Thornton, Commerce City, or Adams County.

E. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in the County of Adams, State of Colorado.

F. If any article, section, paragraph, sentence, clause or phrase of this Agreement is held to be unconstitutional or invalid for any reason, such holding shall not affect the validity, enforceability or constitutionality of the remaining provisions of this Agreement.

G. A waiver by any Party of a breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

H. The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

I. The Parties acknowledge that each Party, their officers and employees, are relying on, and do not waive or intend to waive, by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq., as it is from time to time amended, or otherwise available to the Parties, their officers, or employees.
IN WITNESS WHEREOF, the Parties hereto have executed this IGA to be effective as of the date first above written.

CITY OF COMMERCE CITY

By: ___________________________________
Roger Tinklenberg, Interim City Manager

Attest: ________________________________
Dylan A. Gibson, CMC, City Clerk

Approved as to form:

_____________________________________
Brian Swann, Assistant City Attorney

CITY OF THORNTON

By: ___________________________________
Kevin Woods, City Manager

Attest: ________________________________
Kristen N. Rosenbaum, City Clerk

Approved as to form:

_____________________________________
City Attorney

ADAMS COUNTY

By: ___________________________________
Commissioner Eva Henry, Chair Person

Attest: ________________________________
Josh Zygielbaum, County Clerk & Recorder

Approved as to form:

_____________________________________
County Attorney
PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: March 9, 2021

SUBJECT: Ambulance License Renewal

FROM: Brandan Slattery

AGENCY/DEPARTMENT: Community and Economic Development

HEARD AT STUDY SESSION ON: N/A

AUTHORIZATION TO MOVE FORWARD: ☐ YES ☐ NO

RECOMMENDED ACTION: That the Board of County Commissioners approves an ambulance license renewal for Adams County Fire Protection District.

BACKGROUND:

Through a Multi-County Ambulance Committee Intergovernmental Agreement, the Community and Economic Development Department is responsible for the licensing of all private ambulances in the county. The ambulance license for Adams County Fire Protection District is due for renewal. The application packet has been received and is deemed complete.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development

ATTACHED DOCUMENTS:

Please reference the attached Resolution and License for this ambulance agency.
FISCAL IMPACT:

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

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<td>Add'l Capital Expenditure not included in Current Budget:</td>
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<tr>
<td>Total Expenditures:</td>
<td></td>
<td></td>
</tr>
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New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

Additional Note:
RESOLUTION APPROVING AMBULANCE SERVICE LICENSE FOR THE ADAMS COUNTY FIRE PROTECTION DISTRICT

Resolution 21-226

WHEREAS, the General Assembly of the State of Colorado has enacted the Colorado Medical and Trauma Services Act, Section 25-3.5-101 et seq. C.R.S. (“Act”); and,

WHEREAS, the Act requires the Board of County Commissioners for each County to administer licensure of ambulance services; and,

WHEREAS, under the provisions of the Act, each ambulance operated by a licensed ambulance service in the State of Colorado must be issued a license and permit evidencing that the ambulance and its equipment meets applicable state requirements; and,

WHEREAS, Adams County has entered into an intergovernmental agreement with the City and County of Broomfield and the counties of Arapahoe, Douglas, Denver, Elbert, and Jefferson to establish a licensing program that provides for reciprocal inspection, licensing, and permitting that may be used by all parties, creating efficiency and cost saving to the parties and to the ambulance service providers; and,

WHEREAS, Adams County Fire Protection District, 8055 N. Washington St., Denver, CO 80229, has applied for an Ambulance Service License through Adams County; and,

WHEREAS, Adams County has reviewed the inspection performed through the intergovernmental agreement and the application of Adams County Fire Protection District and has found that the ambulances meet the standards set forth in the March 2020 Adams County Ambulance Services Regulations; and,

WHEREAS, Adams County Fire Protection District has complied with all regulations set forth in the March 2011 Adams County Ambulance Services Regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Ambulance Service License for Adams County Fire Protection District is hereby approved to provide ambulance services in the County of Adams.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to sign said Ambulance Service License on behalf of Adams County.
County of Adams, State of Colorado

No. ADCO 1/21                                             Licensing Fee: $750

Ambulance Service License

This is to Certify, that Adams County Fire Protection District, 8055 N. Washington St., Denver, CO, 80229, having applied for a license to provide Advanced Life Support ambulance services, and having paid to the Treasurer of Adams County the required fees therefore, the above named applicant is hereby licensed to provide ambulance services within and without the County of Adams, State of Colorado, for one year from the 31st of January, 2021, unless this license be sooner revoked or suspended as provided by law.

This license is subject to the laws of the State of Colorado, and the Resolutions of the Board of County Commissioners of the County of Adams, passed pursuant thereto.

In Testimony Whereof, the Board of County Commissioners of the County of Adams has hereunto subscribed its name by its officers duly authorized, this _______ day of __________________, ___________.

Board of County Commissioners of the County of Adams,  
State of Colorado

_________________________________________  Attest:
Chair                                                                 Clerk
PUBLIC HEARING AGENDA ITEM

<table>
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<tr>
<th>DATE OF PUBLIC HEARING: March 9, 2021</th>
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<tbody>
<tr>
<td>SUBJECT: Ambulance License Renewal</td>
</tr>
<tr>
<td>FROM: Brandan Slattery</td>
</tr>
<tr>
<td>AGENCY/DEPARTMENT: Community and Economic Development</td>
</tr>
<tr>
<td>HEARD AT STUDY SESSION ON: N/A</td>
</tr>
<tr>
<td>AUTHORIZATION TO MOVE FORWARD: ☐ YES ☐ NO</td>
</tr>
<tr>
<td>RECOMMENDED ACTION: That the Board of County Commissioners approves an ambulance license renewal for University of Colorado Health.</td>
</tr>
</tbody>
</table>

BACKGROUND:

Through a Multi-County Ambulance Committee Intergovernmental Agreement, the Community and Economic Development Department is responsible for the licensing of all private ambulances in the county. The ambulance license for University of Colorado Health is due for renewal. The application packet has been received and is deemed complete.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Community and Economic Development

ATTACHED DOCUMENTS:

Please reference the attached Resolution and License for this ambulance agency.
**FISCAL IMPACT:**

Please check if there is no fiscal impact ☒. If there is fiscal impact, please fully complete the section below.

| Fund: 0001 |
| Cost Center: 1190.5125 |

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<tr>
<td><strong>Total Expenditures:</strong></td>
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</table>

New FTEs requested: ☐ YES ☒ NO

Future Amendment Needed: ☐ YES ☒ NO

**Additional Note:**
RESOLUTION APPROVING AMBULANCE SERVICE LICENSE FOR UNIVERSITY OF COLORADO HEALTH

Resolution 21-227

WHEREAS, the General Assembly of the State of Colorado has enacted the Colorado Medical and Trauma Services Act, Section 25-3.5-101 et seq. C.R.S. (“Act”); and,

WHEREAS, the Act requires the Board of County Commissioners for each County to administer licensure of ambulance services; and,

WHEREAS, under the provisions of the Act, each ambulance operated by a licensed ambulance service in the State of Colorado must be issued a license and permit evidencing that the ambulance and its equipment meets applicable state requirements; and,

WHEREAS, Adams County has entered into an intergovernmental agreement with the City and County of Broomfield and the counties of Arapahoe, Douglas, Denver, Elbert, and Jefferson to establish a licensing program that provides for reciprocal inspection, licensing, and permitting that may be used by all parties, creating efficiency and cost saving to the parties and to the ambulance service providers; and,

WHEREAS, University of Colorado Health, 12605 E. 16th Ave., Aurora, CO 80045, has applied for an Ambulance Service License through Adams County; and,

WHEREAS, Adams County has reviewed the inspection performed through the intergovernmental agreement and the application of University of Colorado Health and has found that the ambulances meet the standards set forth in the March 2020 Adams County Ambulance Services Regulations; and,

WHEREAS, University of Colorado Health has complied with all regulations set forth in the March 2011 Adams County Ambulance Services Regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Ambulance Service License for University of Colorado Health is hereby approved to provide ambulance services in the County of Adams.

BE IT FURTHER RESOLVED, that the Chair of the Board of County Commissioners is authorized to sign said Ambulance Service License on behalf of Adams County.
County of Adams, State of Colorado

No. ADCO 1/21

Ambulance Service License

This is to Certify, that University of Colorado Health, 12605 E. 16th Ave., Aurora, CO 80045, having applied for a license to provide Advanced Life Support ambulance services, and having paid to the Treasurer of Adams County the required fees therefore, the above named applicant is hereby licensed to provide ambulance services within and without the County of Adams, State of Colorado, for one year from the 31st of January, 2021, unless this license be sooner revoked or suspended as provided by law.

This license is subject to the laws of the State of Colorado, and the Resolutions of the Board of County Commissioners of the County of Adams, passed pursuant thereto.

In Testimony Whereof, the Board of County Commissioners of the County of Adams has hereunto subscribed its name by its officers duly authorized, this _______ day of __________________, ___________.

Board of County Commissioners of the County of Adams, State of Colorado

Attest:

______________________________  ________________________________
Chair                        Clerk
PUBLIC HEARING AGENDA ITEM

<table>
<thead>
<tr>
<th>DATE OF PUBLIC HEARING:</th>
<th>March 9, 2021</th>
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<tbody>
<tr>
<td>SUBJECT:</td>
<td>Fifth Amendment to the 2020 Adams County Budget</td>
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<tr>
<td>FROM:</td>
<td>Marc Osborne, Deputy Budget Director</td>
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<tr>
<td>AGENCY/DEPARTMENT:</td>
<td>County Manager’s Office and Budget and Performance Measurement Department</td>
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<tr>
<td>HEARD AT STUDY SESSION ON:</td>
<td>March 2, 2021</td>
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<tr>
<td>AUTHORIZATION TO MOVE FORWARD:</td>
<td>☒ YES ☐ NO</td>
</tr>
<tr>
<td>RECOMMENDED ACTION:</td>
<td>That the Board of County Commissioners Approves the Fifth Amendment to the 2020 Adams County Budget.</td>
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</table>

BACKGROUND:

The Annual Budget is a financial plan and is adopted prior to the start of the fiscal year. Budget Amendments are periodically required to properly incorporate items into the Annual Budget as they arise during the course of the fiscal year. See attached summary for more information regarding items included in this particular amendment.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

County Manager’s Office and Budget and Performance Measurement Department

ATTACHED DOCUMENTS:

Resolution Authorizing Fifth Supplemental Appropriations to the 2020 Adams County Government Budget.

Exhibit A – Summary of items included in the Fifth Amendment to 2020 Budget.
**FISCAL IMPACT:**

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

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<td>Cost Center:</td>
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<td>Additional Revenue not included in Current Budget:</td>
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<tr>
<td><strong>Total Expenditures:</strong></td>
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<td></td>
<td></td>
</tr>
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</table>

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

**Additional Note:**

Fiscal impact is summarized at the fund level. Given the length, the summary is attached for full disclosure of fiscal impact.
RESOLUTION AUTHORIZING FIFTH SUPPLEMENTAL APPROPRIATIONS TO THE 2020 ADAMS COUNTY GOVERNMENT BUDGET

Resolution 2020-

WHEREAS, the 2020 Adams County Government Budget requires supplemental appropriations of funds to satisfy requests as listed on the attached “Exhibit A” and,

WHEREAS, the Budget Department has determined the availability of unappropriated fund balances; and,

WHEREAS, there are additional revenues and other financing sources which were not assured at the time of the adoption of the 2020 Adams County Government Budget; and,

WHEREAS, the following departmental budgets listed by fund on the attached “Exhibit A” will be increased or decreased by the amounts so noted; and,

WHEREAS, the revenues to support the budget increases are listed by amount from respective sources.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that the Fifth Supplemental Appropriations to the 2020 Adams County Government budget is hereby authorized.

BE IT FURTHER RESOLVED, that the Budget Department is authorized to make the above stated budget adjustments to the 2020 Adams County Government Budget.
### Purpose of Resolution:
A resolution to amend the 2020 Budget. Summary information by Fund and Department is listed below. Additional detailed information is attached for consideration and review.

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<th>Fund</th>
<th>Department</th>
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DATE OF PUBLIC HEARING: March 9, 2021

SUBJECT: Shooting Range Remediation

FROM: Raymond H. Gonzales, County Manager
Alisha Reis, Deputy County Manager
Nancy Duncan, Budget & Finance Director
Jennifer Tierney Hammer, Procurement & Contracts Manager

AGENCY/DEPARTMENT: Facilities and Fleet Management

HEARD AT STUDY SESSION ON: N/A

AUTHORIZATION TO MOVE FORWARD: □ YES □ NO

RECOMMENDED ACTION: That the Board of County Commissioners approves Amendment Eight to the agreement with Quantum Water Consulting for the remediation planning of the Sheriff’s Office Old Shooting Range.

BACKGROUND:

Quantum Water Consulting was awarded an agreement in 2015, for consulting services for remediation planning at the Sheriff’s Office Old Shooting Range. Quantum’s initial work scope was to perform Environmental Site Assessment, identify the potential work scope, and coordinate preliminary plans with Colorado Department of Public Health and Environment (CDPHE) for eventual remediation.

Quantum Water has been providing consulting and construction oversight for the duration of the project. The project fee structure was set-up to be flexible and “add on” services only as needed by on-site field conditions and jurisdictional CDPHE requirements. Costs for 2020, have fluctuated and are adjusted as needed based on the field conditions and considerable extension of schedule. Amendment Eight covers 2020 project oversight. The project breakdown is as follows:

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Total Agreement Price $2,072,560.00

It is recommended to approve Amendment Eight to the agreement with Quantum Water Consulting in the not to exceed amount of $231,515.00 for a total agreement amount of $2,072,560.00.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:
Fleet and Facilities Management

ATTACHED DOCUMENTS:
Resolution

FISCAL IMPACT:
Please check if there is no fiscal impact [□]. If there is fiscal impact, please fully complete the section below.

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| Cost Center: 9295 |

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New FTEs requested:       □ YES       □ NO

Future Amendment Needed: □ YES       □ NO

**Additional Note:**

Current Budgeted Operating Expenditure reflects the remaining dollar amount from 2020 that is expected to be rolled into 2021 with the carry forward amendment.
RESOLUTION APPROVING AMENDMENT EIGHT TO THE AGREEMENT BETWEEN ADAMS COUNTY AND QUANTUM WATER CONSULTING FOR ADDITIONAL SERVICES

WHEREAS, on September 23, 2015, Quantum Water Consulting was awarded an agreement to provide consulting and remediation services for the Sheriff’s Office Old Shooting Range (“Original Agreement”); and,

WHEREAS, the Original Agreement has previously been amended and extended since 2015 to add additional services; and,

WHEREAS, Adams County once again desires to amend and extend the Original Agreement by this Amendment Eight; and,

WHEREAS, 2021 project oversight and needs to be added to the scope of work for contract closeout; and,

WHEREAS, Quantum Water Consulting agrees to provide the additional services in the not to exceed amount of $231,515.00, for a total agreement price of $2,072,560.00.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners, County of Adams, State of Colorado, that Amendment Eight to the Agreement between Adams County and Quantum Water Consulting for Additional Services, be and is hereby approved.

BE IT FURTHER RESOLVED, that the Chair of Board of County Commissioners is hereby authorized to sign said Amendment Eight to the Original Agreement after negotiation and approval as to form is completed by the County Attorney's Office.
**TABLE OF CONTENTS**

**EXHIBIT 1 – BoCC Staff Report**

**EXHIBIT 2- Maps**
- 2.01 Aerial Map
- 2.02 Zoning Map
- 2.03 Future Land Use Map

**EXHIBIT 3- Applicant Information**
- 3.01 Applicant Written Explanation
- 3.02 Applicant Site Plan
- 3.03 Applicant Mining & Reclamation Plan

**EXHIBIT 4- Referral Agent Comments**
- 4.01 Adams County
- 4.02 Brighton Fire
- 4.03 Brighton Urban Renewal Authority
- 4.04 City of Brighton
- 4.05 Colorado Department of Natural Resources, Division of Parks & Wildlife
- 4.06 Colorado Department of Natural Resources, Division of Water Resources
- 4.07 Colorado Department of Public Health and Environment
- 4.08 Colorado Department of Transportation
- 4.09 Colorado Geological Survey
- 4.10 Promontory Metropolitan District
- 4.10 Tri-County Health Department
- 4.11 United Power
- 4.12 Xcel Energy
- 4.13 Applicant’s Responses

**EXHIBIT 5- Public Comments**
- 5.1 Public Comments (A-C)
- 5.2 Public Comments (D-F)
- 5.3 Public Comments (G-I)
- 5.4 Public Comments (J-L)
- 5.5 Public Comments (M-O)
- 5.6 Public Comments (P-S)
- 5.7 Public Comments (T-V)
- 5.8 Public Comments (W-Z)
EXHIBIT 6- Associated Case Materials
  6.01 Request for Comments
  6.02 Public Hearing Notice
  6.03 Newspaper Publication
  6.04 Referral Agency Labels
  6.05 Property Owner Labels
  6.06 Certificate of Posting
Board of County Commissioners
March 9, 2021

CASE No.: EXG2020-00001  CASE NAME: Tucson South

Owner’s Name:  City of Aurora and Aggregate Industries-WCR, Inc.
Applicant's Name: Aggregate Industries-WCR, Inc.
Applicant's Address: 1687 Cole Blvd., Ste. 300, Golden, CO 80401
Location of Requests: Eastern and Western sides of Tucson Street between East 168th Avenue and State Highway 7.
Nature of Requests: Conditional use permit for extraction and disposal use in the Agricultural-1 (A-1) zone district.
Zone Districts: Agricultural-1 (A-1)
Comprehensive Plan: Agriculture
Site Size: Approximately 285 acres
Proposed Use: Extraction
Existing Use: Vacant
Hearing Date(s): PC: February 11, 2021 / 6:00 p.m.
BOCC: March 9, 2021 / 9:30 a.m.
Report Date: March 2, 2021
Case Manager: Greg Barnes
PC Recommendation: APPROVAL with 8 Findings-of-Fact, 7 Conditions Precedent, 35 Conditions, and 1 Note

SUMMARY OF APPLICATION

Background
Aggregate Industries-WCR, Incorporated is requesting a conditional use permit for an extraction and disposal use, which will include a sand and gravel mine in the A-1 zone district. After the mining operations, the site is proposed to be water storage reservoirs for the City of Aurora. The proposed site is approximately 1.5 miles south of the Wattenberg Lakes Mine in southern Weld County. Excavated product would be transferred from the various mine phases north to the Wattenberg Lakes Mine.
The proposed mine operation has been divided into two phases (See Exhibit 3.2).

- Phase I is located to the west of Tucson Street and north of State Highway 7. This phase extends from that intersection to approximately a half-mile north of State Highway 7 and a half-mile west of Tucson Street. The entirety of Phase II is located south of East 168th Avenue. A slurry wall will be installed and subsequently the site will be dewatered, which will allow the site to be dry mined.

- Phase II is located to the east of Tucson Street and north of State Highway 7. This phase extends from the intersection to approximately 3,000 feet north of State Highway 7 and a half-mile east of Tucson Street. The South Platte River forms a portion of the eastern boundary of Phase II. The entirety of Phase II is located south of East 168th Avenue. A slurry wall will be installed and subsequently the site will be dewatered, which will allow the site to be dry mined.

The proposed mining activities are anticipated to take place for approximately eight years once a notice to proceed is granted by the County. Pre-mining activities are expected to last for one year. Each phase of the operation thereafter is anticipated to last four years. Reclamation activity will be concurrent from west to east.

The operator is proposing a conveyor system, which is anticipated to be operational within one year after approval of the conditional use permit and would convey material from the site to the Wattenberg site in Weld County. The material is proposed to be transported under East 168th Avenue into Weld County. If the conditional use permit is approved, a condition of the approval is proposed to require both County approval of the conveyor design and the construction of the conveyor system be completed prior to the issuance of a Notice to Proceed.

According to the materials submitted by the applicant, the operator shall fence gravel pit operations with a 72-inch-tall chain link fence topped with three strands of barbed wire. Where the operation is adjacent to subdivided or developed commercial, residential, or industrial property (except those zoned I-3), a solid screen fence will be erected to prevent the visibility of the mining operation. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until reclamation has been completed.

Setbacks from the mining operations to the adjoining properties along the perimeter of the conditional use permit boundary will be at least twenty-five (25) feet. According to materials submitted by the applicant, the pit depth is expected to be 30 feet. No blasting is being proposed.

Ultimately, this facility is proposed to become a water reservoir used for water storage for the City of Aurora. The reservoir area is proposed to include a pedestrian trail along the perimeter. The trail will be composed of crusher fine material and will include landscaping. According to materials submitted by the applicant, the width of the proposed trail would allow for walking and running, with a stroller or wagon, while users enjoy the unobstructed view of the water storage facility. Although the City of Aurora has attempted to provide recreational activities around the perimeter of the pond, the reservoir will be fenced and public access to the reservoir itself will not be allowed.
**Site Characteristics:**
The subject properties currently consist of vacant lands, dryland agriculture, and water utility infrastructure. In addition, there are two plugged and abandoned oil and gas wells located on the properties. The westernmost well, which is within the boundary of disturbance, has been plugged and capped below the lowest excavation elevation and casing has been removed up to ground elevation. The setback for this well will not impact mining operations in that area.

Extensive portions of both phases are located within the floodway and 100-year floodplain of the South Platte River. The site, in its current capacity, is highly visible from State Highway 7. Berms have been proposed along the southern edge of the site to help mitigate the views from Highway 7.

**Development Standards and Regulations Requirements:**
Per Section 3-07-01 of the Adams County Development Standards and Regulations, a conditional use permit is required for extraction and disposal uses in the Agriculture-1 (A-1) zone district. Section 4-10-02-03-01 of the County’s Development Standards and Regulations outlines performance standards for the use and are discussed in detail below. Compliance with the requirements for the Colorado Department of Natural Resources Division of Mining, Reclamation, and Safety (DRMS) is required, and a reclamation contract shall be signed and approved by the owner and the DRMS.

**Future Land Use Designation/Goals of the Comp-Plan for the Area**
The Future Land Use Designation on the property is Agriculture. Per Chapter 5 of the County’s Comprehensive Plan, the purpose of the Agriculture Land Use is to preserve areas for long-term farming, conserve environmentally sensitive areas, separate and define urban areas, prevent urban nuisance complaints, limit the extension of services where they are costly and difficult to provide, and conserve environmentally sensitive areas. The subject request is temporary. Once the extraction use has been completed, the property is expected to be reclaimed into usable land. Reclamation of the site will include placement and seeding of cover material over fill areas.

The Comprehensive Plan also discusses the importance of mineral extraction to the local economy, providing both employment to residents and tax income to the County. Mining locally allows for lower shipping costs for construction materials. Once the mining operation is complete, the proposed water storage use is supported by *Strategy 7.5.d. Multipurpose Uses for Reclaimed Land.*

The South Platte River Heritage Plan encourages mining operations to reclaim lands in a way that creates habitat, restores vegetation, contributes to flood retention, and/or provides recreational opportunities. After the sand and gravel are extracted at the proposed Tucson South Mine, it is anticipated to become water storage reservoirs for the City of Aurora, which will provide for migratory bird habitat. Ultimately, this facility becomes a water reservoir used for water storage.

The Adams County Mineral Extraction Plan identifies regions of the County where controls for conservation and utilization of natural resources. The plan intends to provide more detailed
guidance on post-mining reclamation and to ensure a high quality of life for residents near mining activities. These regions are defined as the Mineral Conservation Overlay (MCO) District. The subject proposal is not located within the MCO District, and therefore does not have additional provisions for conservation controls.

### Surrounding Zoning Designations and Existing Use Activity:

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### Compatibility with the Surrounding Land Uses:

Most of the area surrounding the site is undeveloped. The site is located within a floodway and floodplain. As a result of the floodway, the applicant is proposing a wood and wire fence since certain fencing types are restricted in this area. The nearest residential development is located west of the site. Although many of the nearby homes are rural residential, the site is directly adjacent to the Bartley Subdivision on the western side. In addition, Highway 7 is a gateway into Downtown Brighton. Staff has presented concerns that the use may have some compatibility conflicts with the surrounding area and has attempted to mitigate them through conditions of approval.

Section 3-38-06 outlines the performance standards for mining operations, including setbacks, hours of operation, and haul routes within the Mineral Conservation Overlay District. Although the site is not located within the Mineral Conservation Overlay District, many of these standards are intended to guide minimum requirements to mitigate off-site impacts but may be strengthened on a site-specific basis through Conditions of Approval to ensure better compatibility of the proposed operation with the surrounding land uses. The property boundary setback for excavation and stockpiling is twenty-five (25) feet. The closest residential dwelling to any mining operation will be at least 300 feet from mining operations. Hours of operation of the proposed mining operation include all uses on the site and are proposed to be limited to the hours of 7:00 am to 7:00 pm, Monday-Saturday. These are consistent with those outlined in the Development Standards due to the urban setting of the proposed operation.

Air emissions and water quality impacts have been addressed through several Conditions of Approval, which will require the operator to follow CDPHE air quality regulations, shut down operations at times of high winds, and monitor the ground water wells in the surrounding area.

Per Section 3-37-07-07-12 of the Development Standards and Regulations, the extraction, excavation, and hauling of sand and gravel resources shall meet specific performance standards and guidelines that protect rivers and streams from erosion and degradation, which may result
from such operations. In addition, the operations shall not impact the flow of floodwaters from reaching the South Platte River. A Floodplain Use Permit has been obtained by the applicant, which ensures that the proposed operations comply with the Federal, State, and Local regulations.

**PLANNING COMMISSION UPDATE:**
The Planning Commission first heard this application as part of their January 14, 2021 agenda. Adams County staff and the applicant both provided presentations to the Planning Commission. After an extensive public comment period, a motion to approve the application was made by the Planning Commission, however the motion ended in a 3-3 tie. A discussion amongst the Commission eventually led to a motion to continue the case to the February 11, 2021 agenda. The motion to continue the hearing for 28 days was approved by a 5-1 vote.

On February 11, 2021, the Planning Commission resumed the consideration of the subject application. After staff and applicant presentations, 20 individuals provided testimony during the public comment period. The testimony provided a mixture of opposition and support, with a majority being opposed. Of the Planning Commission members supportive of the request, the comments supported the enhanced design of the area after extraction and appreciated the applicant’s attention to mitigating off-site impacts. Of the Planning Commission members opposed to the project, the concerns were related to visibility at the entrance to downtown Brighton, dust mitigation, and a concern that the project would extend beyond the eight-year timeline. After extensive discussion, the Planning Commission voted 4-3 to recommend approval of the application.

**Staff Recommendations:**
Based upon the application, the criteria for approval of a conditional use permit, and a recent site visit, staff recommends approval of the request with 8 findings-of-fact, 7 conditions precedent, 35 conditions, and 1 note.

**RECOMMENDED FINDINGS-OF-FACT:**
1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.

RECOMMENDED CONDITIONS OF APPROVAL:

Conditions Precedent to Approval

1. Evidence shall be provided to the Adams County Environmental Programs Manager that the State of Colorado has approved the groundwater monitoring and mitigation plan for the site that specifically addresses impacts to owners of affected, adjacent, and permitted groundwater wells.

2. Evidence shall be provided to the Adams County Environmental Programs Manager that a Colorado Discharge Permitting System here permit, has been obtained from the Colorado Department of Health & Environment (CDPHE) prior to any site preparation activities.

3. A raptor and bald eagle surveys shall be conducted by a qualified biologist prior to site disturbance, if any grading or construction activity is planned to occur between October 15th and July 31st. The survey reports shall be provided to both Colorado Parks and Wildlife (CPW) and the Adams County Community & Economic Development Department. In the event that a raptor survey identifies additional nests or documents changes in nest activity status, a site plan detailing raptor nest buffer zones and seasonal restrictions (as provided in the most recent CPW guidance document) shall be provided to the Adams County Community & Economic Development Department.

4. A neighborhood meeting shall be held intended to introduce and distribute contact information for those responsible for mining activities on the site. Notification of the neighborhood meeting will be required for all property owners and residents within 1,000 feet of the subject parcels. Documentation of the meeting (including a meeting summary and a copy of the notification letter) shall be provided to the Adams County Community & Economic Development Department.

5. A conveyor system shall be approved by the County and constructed by the applicant/operator for the transport of materials.

6. A site landscape plan shall be approved by the Adams County Community & Economic Development Department to address the visual impact of the site along public roadways and adjacent residential uses, as well as the site conditions after reclamation has occurred. Adams County will coordinate with the City of Brighton’s Community Development Department during the review of these landscape plans to ensure that conformance is met with both jurisdictions are satisfied with the result.

7. All pre-mining construction tasks and conditions precedent shall be completed by March 9, 2022, unless extended by the Director of Community and Economic Development. Only one extension may be granted for no more than 180 days based upon a hardship statement that will be provided by the applicant or operator. The conditional use permit will expire on September 8, 2022 if a Notice to Proceed has not been issued.

Conditions of Approval
1. The extraction use being granted by this conditional use permit shall not commence until a “Notice to Proceed” is issued by the Adams County Community and Economic Development Department. A Notice to Proceed will only be issued after all conditions precedent of approval are complete.

2. Any operations on the site shall occur from 7:00 a.m. to 7:00 p.m., on Mondays to Saturdays. No operations are permitted are Sundays or within 7:00 p.m. and 7:00 a.m.

3. The operator shall fence gravel pit operations with a fence composed of wood and wire. Where the operation is adjacent to subdivided or developed commercial, residential, or industrial property (except those zoned I-3), a solid screen fence constructed of wood will be erected to prevent the visibility of the mining operation. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until reclamation has been completed.

4. Landscape installation will occur between March 1st and May 15th or September 1st through October 15th after the Notice to proceed is issued. Prior to installing the landscaping, the operator shall work with Adams County staff and City of Brighton staff to determine the location of a future trail along the State Highway 7 corridor. The operator shall install landscaping in a location that will ensure that a trail can be installed in the future, without disturbing the trees and shrubs and other landscaping. The operator shall install an irrigation system to ensure that the plantings are established and maintain the plantings during the mining and reclamation process.

5. All landscape berms and mining operations shall be setback at least fifty (50) feet from the right-of-way along Tucson Street and State Highway 7.

6. Wind gauges with data-logging capabilities shall be installed and located adjacent to the particulate matter monitors.

7. Two (2) continuous, real-time Particulate Matter (PM) monitors must be installed along the southwest and northeast boundary areas of this conditional use permit to provide real-time emissions data for PM-2.5, PM-10 and Total-PM to monitor fugitive dust during all project phases including site preparation and active mining.

8. Radar-activated white noise backup alarms shall be installed for equipment.

9. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment.

10. The mosquito control plan submitted with this application shall be implemented to ensure full compliance.

11. The applicant shall comply with all the requirements specified by the Colorado Department of Natural Resources’ Division of Parks & Wildlife provided in their letter dated September 3, 2020.

12. The applicant shall comply with all the requirements specified by the Tri-County Health Department provided in their letter dated October 9, 2020.

13. The applicant shall comply with all the requirements specified by the Colorado Division of Water Resources provided in their letter dated August 25, 2020.

14. All complaints received by the applicant or operator from a well owner within 600 feet from the site boundary shall be provided to the Adams County Environmental Programs Manager. In addition, it shall be provided what the necessary actions
taken to address these impacts. The information shall be provided to the County within 30 days of filing such reports with the Division of Mining & Reclamation Safety (DRMS). For subject wells put to beneficial use prior to commencement of mining activities, the applicant or operator will begin to implement one or more mitigation measures if mining and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.

15. All complaints pertaining to off-site impacts shall be provided to the Adams County Environmental Program Manager including a summary of the complaints and resolution methods of such complaints. These documents shall be provided as part of the monthly air monitoring report, as applicable.

16. Fugitive dust control measures must always be functioning to ensure onsite visible emissions do not exceed limits specified within the Air Pollution Control District Construction Permit issued to Aggregate Industries for the Tucson South Pit.

17. Copies of Clean Waters Act 404 Permit (CWA 404) and 401 Water Quality Certification (as required for operations affecting the South Platte River and adjacent riparian wetlands) shall be provided to the Adams County Environmental Programs Manager.

18. Records of high wind speed shutdowns and a summary of shutdown periods shall be provided within each monthly air monitoring report that is submitted to the Adams County Environmental Programs Manager, as applicable.

19. Any documented exceedance of the 24-hour ambient air quality standard for particulate matter shall be provided to the Adams County Environmental Program Manager within 24-hours of such occurrence. Concurrent Air Pollution Control Division notification may be required.

20. Monthly reports detailing particulate matter monitoring shall be provided to the Adams County Environmental Program Manager. Corresponding wind gauge data shall be included within these reports.

21. A copy of each Annual Reclamation Report, as submitted to the DRMS, shall be provided the Adams County Environmental Program Manager.

22. Stockpiles of material shall not exceed a maximum of twenty (20) feet in height. Stockpiles shall not be stored in the floodway.

23. Operations shall cease during periods of high winds as measured by anemometer or other type of wind gauge permanently stationed on-site. High winds shall be defined as when wind gusts exceed 30 mph, or a sustained wind of 20 mph is detected.

24. Mining and reclamation shall comply with the Mineral Conservation Overlay (MCO) and the section titled Extraction and Disposal Uses found within the Industrial Use Performance Standards, as adopted by Adams County found within the Adams County Development Standards and Regulations.

25. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.

26. The storage or processing of materials that are buoyant, flammable, hazardous, explosive, or considered solid waste shall not be allowed within the areas designated as floodplain or floodway.

27. Any new sources of fill material, other than the ones listed within the application, shall require a “Notice to Proceed” to be issued by the Department of Community
and Economic Development, after the applicant has certified the cleanliness of the new source material; any proposed haul routes must be approved through an amendment to the conditional use permit.

28. The subsequent reclamation of areas that have been mined must be initiated immediately to keep the total disturbed areas at any one time to a minimum.

29. The mining operations will conform to the phasing plan provided with the application.

30. Materials that are unnecessary for extraction or reclamation shall not be imported into the site without the permission of the Adams County Director of Community and Economic Development.

31. Since the lined water storage reservoirs are components of the post-reclamation project plans, and Tucson Street is proposed to remain a public road. A stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment, shall be performed to verify that the proposed slopes below Tucson Street will be stable under all conditions, or to determine a stable slope configuration.

32. All mining operations, reclamation of sloping, grading, and initial seeding shall be completed within eight (8) years of the Notice to Proceed, but no later than March 9, 2030.

33. Landscaping installation at the time of reclamation shall include a minimum of 100 trees and 200 shrubs. Trees shall be a minimum of five feet in height at the time installation. All landscaping that does not establish after one year will be replaced and expected to establish after one year. Replacement of landscaping that does not establish will be given another year to establish.

34. The trail easement north of the Highway 7 right-of-way shall be recorded prior to March 9, 2030.

35. The proposed trail north of Highway 7 will be designed to include pedestrian and bicycle traffic and measure a minimum of ten feet wide. Any proposed modification to reduce the width will require approval by the Adams County Director of Community & Economic Development.

RECOMMENDED NOTES TO THE APPLICANT:
1. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.

PUBLIC COMMENTS

<table>
<thead>
<tr>
<th>Notices Sent</th>
<th>Number of Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,176</td>
<td>124</td>
</tr>
</tbody>
</table>

Property owners and residents within a half-mile of the site were notified of the subject request. As of writing this report, staff has received 124 responses from the public regarding the application. Of those 124 responses, 60 either opposed the application or cited specific concerns with the application. 62 letters of support for the application were received. Many letters of support are from individuals and organizations that were not on the County’s mailing list of neighborhood referrals.
Public comments were provided by the City of Aurora; however, they are the property owner not considered a referral agent on this project due to the proximity of the site to the city. The City of Aurora and Aurora Water supports the application.

Environmental concerns were the most widely cited issue in the public comments. Many letters were received identifying dust and pollution as a concern with the application. Commenters identified noise as a primary concern. One additional comment provided concern that the slurry walls being proposed may negatively affect the flow of groundwater in the area.

Another category of concern from the public comments was land use. Many of the comment letters identified that the proposed use was incompatible with the existing area. Several letters discussed that approval of the application would result in a loss of rural character in the area. More comments expressed that the land could be utilized for lower-density residential uses, and that would be more compatible to the surrounding area. Another respondent stated that the proposed hours of operation created concern, and that 7 am to 1 pm would be more appropriate. Additionally, one more respondent expressed concern about the proposed berms along Highway 7, and what the appearance of these berms may look like.

Economic factors were another key area identified in the public comments. Several respondents expressed concern that the site served as a gateway into Brighton, and that a mining operation for nearly a decade may create blight and a negative perception for the City of Brighton. Some respondents identified concerns that the proposed operation would harm property values and provide no economic impact for the residents of the area. Other respondents, in support of the application, identified that the project would create jobs, support economic growth, and provide materials necessary for development.

Other respondents identified the negative impacts from a loss of wildlife habitat. A concern was raised that the South Platte River corridor would have negative aesthetic impacts from the operation. Another respondent expressed concern that mining operations may result in wildfires in the area.

Many respondents expressed concern that the mining operation would result in a negative impact on local traffic, and that additional road widening may be needed. At least three respondents expressed distrust in the proposed timeline and did not believe that the operation would be limited to timeline expressed by the applicant. Another respondent identified concerns with the applicant’s track record on other sites in the area and identified that the subject properties typically have violations of County regulations for noxious weeds that are unkept.

A parcel located south of Highway 7, and not included in this application was also the subject of some public comments. In 2019, a similar application was denied by the Board of County Commissioners which included a “south parcel” and required trucking of materials. This south parcel was removed from the application, and the applicant has expressed a willingness to donate the south parcel to the County’s Parks, Open Space, and Cultural Facilities Department. The donation of that parcel has no bearing on the subject application. The public comments expressed that there was little value or benefit in the County acquiring this parcel.
REFERRAL AGENCY COMMENTS

During the referral process, the Brighton Urban Renewal Authority expressed concerns that the application may have a negative impact on commerce in Downton Brighton.

The Tri-County Health Department issued a letter addressing air pollution, fugitive dust, and air quality modeling. The letter provides best standards of practice, and these practices are included as recommended conditions of approval.

The Division of Parks & Wildlife identified concerns with contamination of the South Platte River and encroachment into burrowing owl nesting areas. The letter provided includes best standards of practice to avoid these issues, and these requirements have been included as a recommended condition of approval.

The Division of Water Resources identified concern with the retention of water on the site. The letter provided includes best standards of practice to avoid these issues, and these requirements have been included as a recommended condition of approval.

The Colorado Geological Survey provided a letter to the County recommending a slope analysis for the reservoir after reclamation. The slope analysis has been recommended as a condition of approval.

The City of Brighton provided a letter expressing concerns regarding the timing of landscaping installation, the City’s ability to acquire right-of-way, and the installation of berms. Staff has included much of the requests as recommended conditions of approval.

Responding with Concerns:
Brighton Fire District
City of Brighton
Colorado Department of Natural Resources, Division of Parks & Wildlife
Colorado Department of Public Health and Environment
Tri-County Health Department

Responding without Concerns:
Colorado Department of Transportation
Union Pacific Railroad
Xcel Energy

Notified but not Responding / Considered a Favorable Response:
Brantner Extension Ditch
Brighton Ditch Company
Brighton School District 27J
Century Link
Comcast
Colorado Division of Mining & Reclamation Safety
Eagle Shadow Metro District
Farmers & Gardner Ditch Company
McCann Ditch & Reservoir
Metro Wastewater & Reclamation
RTD
The Brighton Ditch Company
Todd Creek Village Metropolitan District
Union Pacific Railroad
U.S. Environmental Protection Agency
Weld County
Case Name: Tuscon South Future Land Use Planning Map
Case Number: EXG2020-00001
EXECUTIVE SUMMARY
TUCSON SOUTH RESOURCE CONDITIONAL USE PERMIT APPLICATION

This application for a Conditional Use Permit (CUP) for gravel mining (“Application”) is presented by Aggregate Industries-WCR, Inc. (“Aggregate Industries”) to Adams County, Colorado for review and approval as provided for in the Adams County Development Standards and Regulations.

Aggregate Industries-WCR, Inc. is seeking a conditional use permit to mine land owned by Aggregate Industries and the City of Aurora in Adams County, Colorado. The site is located west of Brighton, north of Highway 7, and South of 168th Street. Aggregate Industries is pleased to present this revised application based on feedback from the community, local agencies, and other key stakeholders. Aggregate Industries appreciates the time and effort of the stakeholders who contributed their input to the Application’s development, and looks forward to continued collaboration during the County review process.

HISTORY AND REVISED SCOPE

When initially permitted in 2004 (EXG2004-0004), the planned use of the property included wet mining, onsite crushing and screening plants, sales yards, and truck transport of mined materials. This revised plan has been narrowed in scope to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes Resource site located 1.5 miles to the north, in Weld County. Onsite processing plants, sales yards, and material export by truck are no longer included in this CUP application. Additionally, a 24-acre parcel, known as the “South Parcel” has been removed from the Division of Reclamation, Mining and Safety permit, pending its approval. Aggregate Industries will instead donate this parcel to either the City of Brighton or Adams County for open space.

In this revised Application, we also are proposing enhanced environmental controls and studies to demonstrate to the community that air emissions will be significantly below local, state and federal regulatory levels.

Aggregate Industries believes the Application provides a proposed use that is compatible and in harmony with surrounding uses, which will benefit the community by providing a vital, local source of construction materials to meet construction demand in Adams County, while reducing costs of local building and road projects, enhancing economic development potential and providing job opportunities in Adams County.

The Project Fact Sheet follows on the next page.
Overview

Aggregate Industries is seeking a permit for land it owns west of Brighton, Colorado, located north of Highway 7 and south of the Adams/Weld County line (168th Street).

Aggregate Industries proposes to limit mining to the parcels north of Highway 7 and use an overland conveyor system to bring material to the existing Wattenberg/Platte Valley facility in Weld County. By removing the property south of Highway 7 and installing a conveyor system, this revised proposal eliminates traffic concerns on Highway 7, Tucson Street, and 168th Ave. raised during a 2019 application. A parcel of land south of Highway 7 that is owned by Aggregate Industries will not be part of the permit.

Aggregate Industries proposes to extract material and complete reclamation at the site over an eight-year time period. The land will feature perimeter seeded berms during mining and buffer areas on Highway 7 and along the South Platte River. Upon completion of mining, the community will benefit from a water storage facility featuring a crusher fines regional trail with native landscaping and decorative fencing.

Aggregate Industries proposes to donate the property south of Highway 7, which contains significant aggregate resources, as a conservation easement or open space land that, if desired by the community, will include a nature trail and nature demonstration area.

1. TRAFFIC ELIMINATION

Aggregate Industries have revised the application to remove all haul out operations. A 1.5-mile-long overland conveyor system will be installed prior to commencement of production. This mitigates traffic concerns on Highway 7, Tucson Street, and 168th Ave.

2. MINING & RECLAMATION TIMELINE

Mining and Reclamation will be reduced to 8 years from the time the conveyor is installed, assuming an operating schedule of Monday through Saturday, 7 a.m. to 7 p.m.

3. POST MINE WATER STORAGE RESOURCE

Enhanced post mine water storage resource – City of Aurora has committed to farm style fencing with an enhanced landscape trail along Highway 7.

4. REMOVAL & DONATION OF PROPERTY SOUTH OF HIGHWAY 7

The property south of Highway 7 will not be included in the new county application. Aggregate Industries will donate the parcel or place a Conservation Easement on the parcel. Aggregate Industries will also work with county to include a nature trail and nature demonstration area on the south parcel.

5. AIR QUALITY MONITORING & MODELING

Aggregate Industries will utilize an expert third party consultant to conduct an air modeling analysis and will commit to installing two real time air quality monitors on site. Aggregate Industries will transmit data from the monitors monthly to Adams County. Aggregate Industries will provide a hotline for dust complaints. Aggregate Industries will meet quarterly with neighbors to update the status of the project.
7. THE OPERATION WILL INVOLVE CONCURRENT MINING AND RECLAMATION WITH FINAL SLOPES BEING
8. OVERBURDEN AND TOPSOIL STOCKPILES ABOVE EXISTING GRADE, THAT ARE EXPECTED TO BE PRESENT

2. AN ENGINEERING STABILITY ANALYSIS FOR SLIDING FAILURE HAS BEEN PERFORMED. MINING
AND A MINIMUM OF 100' BETWEEN STOCKPILES.

14. WETLANDS BUFFER SHALL NOT BE DISTURBED UNTIL USACE AUTHORIZATION IS OBTAINED.

9. REGULATIONS. DOES NOT DOCUMENT SETBACKS THAT ARE BASED ON MUTUAL AGREEMENTS OR ADAMS COUNTY

UTILITY INFORMATION:
UTILITY INFORMATION TAKEN FROM THE TUCSON SOUTH ALTA/NSPS LAND TITLE SURVEY DATED
COUNTY RECORDS.

FLOOD HAZARD INFORMATION:
FLOOD HAZARD LEGEND:
FLOOD PLANE ELEVATIONS ARE ABOVE NAVD 88 OR ABOVE NAVD 88
A PORTION OF A PARCEL OWNED BY THE CITY OF THORNTON (PN: 157101200010)

LEGAL DESCRIPTIONS:
THE WATERFRONT PROPERTY IS LOCATED IN THE SOUTH EAST 1/4, SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS

MINING AREA/ ACREAGE TABLE

MINING NOTES:

TUCSON SOUTH RESOURCE PRE-MINING AND MINING PLAN MAPS

TUCSON SOUTHERN RESOURCE
EXISTING ELECTRIC LINE

ENTRANCE ROAD

WEST AND EAST OF 5010

DESCRIBED CENTERLINE

TODD CREEK UTILITY ROW

30 ROW FOR INGRESS/EGRESS

EXCAVATION

WATERLINE EASEMENT

EASEMENT EDGE

30 ROW TO BLOOM PARCEL

ACCESS

EXCAVATION

TEMPORARY OVERBURDEN AND TOPSOIL PILES AREA

DISCHARGE POINT

SOUTH PLATTE RIVER

TOP OF RETURN EASEMENT ROW

BRIGHTON DITCH

EASEMENT TO PSCO

WIDE UTILITY

TO CITY OF AURORA

WATERLINE EASEMENT

CITY OF AURORA

MASTER PLAN STUDY

DEWATERING

IN THE PARKING AREA. THE ENTRANCE ROAD TRACKING PAD SECTION WILL HAVE A BACKSIDE OF THE PARKING SPOTS FOR A BACKUP STOP.

SURFACE MATERIALS: COMPACTED TYPE 2 BASE WITH CLEAN WASHED GRAVEL USED TO WATTENBERG MINE UNDER

CONVEYOR TO CROSS INTO

BELT CONVEYOR

BELT CONVEYOR

FENCE

FENCE

CERTIFICATION: 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL.

THIS MAP WAS ORIGINALLY PREPARED AND CERTIFIED BY TETRATECH, PRE-PRO-ECT/MINING EFFECTIVE = ONE X EFFECTIVE = ONE AE

EXISTING MINE PERMIT BOUNDARY

EXISTING TRACT BOUNDARY

EXISTING EDGE OF WATER

EXISTING EDGE OF ROAD

EXISTING SOUTH PLATTE RIVER

EXISTING ASPHALT ROAD

EXISTING BERM W/ GRASS COVER

EXISTING WATER LINE

EXISTING ELECTRIC LINE

EXISTING CHIMNEY EXISTING PIPE FOR DEWATERING

SURFACE DEWATERING TRENCH

10 ROW FOR MINING EROSION ON SITE CONVEYOR

60 ROW FENCE

100 ROW RESERVED

NOTE: CONCEPTUAL UNDERDRAIN AND DETAILS ARE PRESENTED IN EXHIBIT G.

WEST EMPLOYEE PARKING LOT TYPICAL DESIGN

TOPSIL, SCREEEN

TOPSIL, SCREENING

TOPSIL, SCREENING TRI-TUBE

TOPSIL, SCREENING

TOPSIL, SCREENING

TOPSIL, SCREENING

TOPSIL, SCREENING

TOPSIL, SCREENING

Topsoil Screening

Topsoil Stockpile

Settling Pond/Discharge Point

Proposed Slurry Wall

3-Wire Farm Belt Conveyor

90

10

60

100

94

1900 S. Sunset St., Ste. 1-E

Phone:  (303) 772-5282

Copyright: Tetra Tech

Designed By:

Project No.:

AGGREGATE INDUSTRIES - WCR, INC.

Copyright: 2020 AGGREGATE INDUSTRIES - WCR, INC.

Bar Measures 1 inch

SCALE:

100

200

400

1

200

400

1

200

400

1

200

400

1

200

400

1

200

400

1
NOTE:
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER TUCSON STREET IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

NOTE:
1. CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 25' FROM TUCSON STREET.

NOTE:
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER 168TH AVENUE IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

NOTE:
1. CONVEYOR UNDER 168TH STREET WILL BE PERMITTED THROUGH AN AMENDMENT TO WATTENBERG LAKES (M-2004-051) 112 PERMIT.

NOTE:
1. CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 25' FROM 168TH AVENUE.

NOTE:
1. CONVEYOR SYSTEM DETAIL. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER TUCSON STREET IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

NOTE:
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**TUCSON SOUTH RESOURCE**

**RECLAMATION PLAN MAPS**

**LEGAL DESCRIPTIONS**

The map was prepared and certified by Tetra Tech, and freezes. Plantings will be monitored in the spring to make experts, and appropriate to the region and soil regime. Easement along the South Platte River prior to installation. UD&FCD approval of planting locations within the UD&FCD establish.

Mixes listed in Table below, or similar alternate mix based on contractor in September and hand watered until the ground cell (Phase 2). Plantings will be installed by a reclamation the assumed high-water line. Re-vegetation shall use seed than 3H:1V. 6" - 12" of topsoil will be placed on all slopes above 10%. No mining on this tract K. Tract L.

**RECLAMATION AREA ACREAGE TABLE**

<table>
<thead>
<tr>
<th>RECLAMATION PLAN MAP</th>
<th>TOTAL ACRES</th>
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<tr>
<td>SITE PLAN A</td>
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<tr>
<td>SITE PLAN B</td>
<td>10.00</td>
</tr>
<tr>
<td>SITE PLAN C</td>
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**SEED MIX AND SEED MIX NOTES**

- DESIGN WILL BE BASED ON THE FIRST FEASIBLE SEEDING WINDERS WHICH HAVE BEEN MADE TO THE USGS SERVICE, AND TO SUCH OTHER SERVICE AS HAS BEEN MADE TO THE美國 SERVICE.
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**CONSTRUCTION NOTES**

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**CERTIFICATION**

- This map was prepared and certified by Tetra Tech, Inc., as a general survey work, and in accordance with the requirements of the National Engineering Standards of Practice.
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**TABLE INDEX**

- This map was prepared and certified by Tetra Tech, Inc., as a general survey work, and in accordance with the requirements of the National Engineering Standards of Practice.
REQUEST FOR TECHNICAL REVISION (TR) COVER SHEET

File No.: M-2004-044  Site Name: Tucson South

County  Adams  TR#  (DRMS Use only)
Permittee: Aggregate Industries - WCR, Inc
Operator (If Other than Permittee): ____________________________
Permittee Representative: Christine Felz, Land and Environment Manager

Please provide a brief description of the proposed revision:
Removal of the south parcel from mining boundary. This area will not be mined.

As defined by the Minerals Rules, a Technical Revision (TR) is: “a change in the permit or application which does not have more than a minor effect upon the approved or proposed Reclamation or Environmental Protection Plan.” The Division is charged with determining if the revision as submitted meets this definition. If the Division determines that the proposed revision is beyond the scope of a TR, the Division may require the submittal of a permit amendment to make the required or desired changes to the permit.

The request for a TR is not considered “filed for review” until the appropriate fee is received by the Division (as listed below by permit type). Please submit the appropriate fee with your request to expedite the review process. After the TR is submitted with the appropriate fee, the Division will determine if it is approvable within 30 days. If the Division requires additional information to approve a TR, you will be notified of specific deficiencies that will need to be addressed. If at the end of the 30 day review period there are still outstanding deficiencies, the Division must deny the TR unless the permittee requests additional time, in writing, to provide the required information.

There is no pre-defined format for the submittal of a TR; however, it is up to the permittee to provide sufficient information to the Division to approve the TR request, including updated mining and reclamation plan maps that accurately depict the changes proposed in the requested TR.

Required Fees for Technical Revision by Permit Type - Please mark the correct fee and submit it with your request for a Technical Revision.

<table>
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<tr>
<th>Permit Type</th>
<th>Required TR Fee</th>
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<td>110d, 112d(1, 2 or 3)</td>
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</tbody>
</table>
May 12, 2020

Email

Colorado Division of Reclamation, Mining and Safety  
Attn: Patrick Lennberg  
1313 Sherman Street, Room 215  
Denver, CO 80203

**RE:** Aggregate Industries WCR, Inc  
_Tucson South Pit, Permit M2004-044_  
_Technical Revision Request- TR-01_

Dear Mr. Lennberg

Aggregate Industries is requesting a technical revision for permit M2004-044. The requested revision removes the area known as the “south parcel” from the permit boundary. Aggregate no longer plans to mine this portion of the site.

Please see the following attached revised Exhibits to the permit:

- Exhibit C – Pre-mining and Mining Maps
- Exhibit D – Mining Plan
- Exhibit E – Reclamation Plan
- Exhibit F – Reclamation Plan Map

Should you have any questions or need additional information, please feel free to contact me by phone at 303-809-7231 or by email at Christine.Felz@lafargeholcim.com. Thank you.

Sincerely,

Christine Felz  
Land and Environment Manager
ADDENDUM 1

NOTICE REQUIREMENTS
RULE 1.6.2(1)(B)
ADDENDUM 1

Notice Requirements – Rule 1.6.2(1)(b)

- Certification of Sign Posting
- Letters to utility structure owners

See Attached.
NOTICE

This site is the location of a proposed construction materials operation. Aggregate Industries WCR Inc., whose address and phone number is: 1687 Cole Blvd, Suite 300 Golden, CO 80401 (303) 985-1070. Aggregate Industries WCR Inc., has applied for a Reclamation Permit with the Colorado Mined Land Reclamation Board. Anyone wishing to comment on the application may view the application at the Adams County Clerk and Recorder’s Office, 4430 S. Adams County Pkwy. Brighton, CO 80601, and should send comments prior to the end of the public comment period to the Colorado Division of Reclamation, Mining, and Safety, 1313 Sherman St, Room 215, Denver, Colorado 80203.

Certification:

I, Barbara Brunk, Manager of Resource Conservation Partners, LLC hereby certify that I posted a sign containing the above notice for the proposed permit area known as the Tucson South Resource, on 11/20, 2018.

Barbara Brunk, mgr

SIGNATURE

11/20/2018

DATE
Transmittal

DATE: November 19, 2018

TO: Adams County
15151 East Alameda Parkway
Aurora CO 80012-1555

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by Adams County adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by Adams County, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barbara Brunk, Esq.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Tucson Street
2. 168th Street
3. ________________________
4. ________________________
5. ________________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, Aggregate Industries-WC (print applicant/company name), by Joel Bolduc (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that Adams County (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc

Date ________________ Title Regional Land Environment Manager

STATE OF )
 ) ss.
COUNTY OF )

The foregoing was acknowledged before me this____ day of _____________, 20___, by __________________ as __________________ of ________________________.

_____________________________ My Commission Expires: __________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title ________________________________

STATE OF ____________) ss.

COUNTY OF ________) ss.
The foregoing was acknowledged before me this ___ day of ____________, 20___, by

_______________________ as ______________________ of ___________________________.

_______________________ My Commission Expires: ______________________

Notary Public
Transmittal

DATE:       November 19, 2018

TO:         City of Aurora
            15151 EAST ALAMEDA PARKWAY, SUITE 3600,
            AURORA, COLORADO, 80012

FROM:       Barb Brunk
            Resource Conservation Partners, LLC
            P.O. Box 1522
            Longmont, CO 80502

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by City of Aurora adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by City of Aurora, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: [Signature]

Barb Brunk, Mgr.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. __ Fence __________________________________________
2. __ Waterline __________________________________________
3. ___ Challenger Reservoir __________________________________________
4. _________________________________________________________
5. _________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC_____________________(print applicant/company name), by __Joel Bolduc________ (print representative’s name), as __Regional Land and Environment Manager________ (print representative’s title), does hereby certify that __City of Aurora________________________(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for __Tucson South Resource______________________________ (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant __Aggregate Industries-WCR, Inc.____ Representative Name __Joel Bolduc____________

Date ____________________________ Title __Regional Land Environment Manager____________

STATE OF ____________) ss. _________________

COUNTY OF ____________) ss. _________________

The foregoing was acknowledged before me this ___ day of ____________, 20___, by
__________ as ________________ of __________________________.

________________________________ My Commission Expires: __________________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ______________ )

) ss.

COUNTY OF __________ )

The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

Notary Public
Transmittal

DATE: November 19, 2018

TO: DELORES BAKER, APRIL AND BRET BAKER
   12420 E 160TH AVE,
   BRIGHTON CO 80602-8221

FROM: Barb Brunk
      Resource Conservation Partners, LLC
      P.O. Box 1522
      Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by DELORES BAKER, APRIL AND BRET BAKER adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by DELORES BAKER, APRIL AND BRET BAKER, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: ____________________________
CERTIFICATION

The Applicant, __Aggregate Industries-WC_____________________(print applicant/company name),
by ___Joel Bolduc________ (print representative’s name), as __Regional Land and Environment Manager (print
representative’s title), does hereby certify that __Deloris, April and Bret Baker____(structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for __Tucson South Resource________________________ (operation name),
File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant __Aggregate Industries-WCR, Inc.____ Representative Name ___Joel Bolduc________

Date ____________________________ Title ____________________________

STATE OF __________ )

COUNTY OF__________ ) ss.

The foregoing was acknowledged before me this____ day of ____________, 20___, by
____________________ as __________________ of __________________________.

_______________________ My Commission Expires: __________________________

Notary Public
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

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The following structures are located on or within 200 feet of the proposed affected area:

1. _____ Shared Access ________________________________________________________________

2. _____ Private Residence ___________________________________________________________

3. __________________________________________________________

4. __________________________________________________________

5. ___________________________________________________________________________

(Please list additional structures on a separate page)
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________
Date ________________________________ Title _________________________________

STATE OF ______________)
COUNTY OF _____________ ) ss.
The foregoing was acknowledged before me this ____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: KATHLEEN BLOOM
12500 E 160TH AVE,
BRIGHTON, COLORADO, 80602

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by KATHLEEN BLOOM adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by KATHLEEN BLOOM and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: [Signature]

RESO URC E CO NSERVAT ION P ARTNERS, LLC
p. o. box 1522, Longmont Colorado 80502 · tel 303.532.2262 · fax 303.702.0585
P. O. Box 1522, Longmont, Colorado 80502, Tel 303.532.2262 · Fax 702.0585 303
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. ____ Shared Access ________________________________

2. ____ Private Residence ________________________________

3. ____________________________ ________________________________

4. ____________________________ ________________________________

5. ____________________________ ________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC_____________________(print applicant/company name), by __Joel Bolduc__________(print representative’s name), as __Regional Land and Environment Manager (print representative’s title), does hereby certify that __Kathleen Bloom____(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for __Tucson South Resource______________________________ (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant __Aggregate Industries-WCR, Inc.____ Representative Name __Joel Bolduc____________

Date _______________________________ Title __Regional Land Environment Manager

STATE OF ____________ )

COUNTY OF___________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20__, by

_______________________ as ______________________ of __________________________.

__________________________ My Commission Expires: ______________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ____________ )

) ss.

COUNTY OF ____________ )
The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

_________________________ My Commission Expires:________________________

Notary Public
Transmittal

DATE: November 19, 2018

TO: FERNANDO ARMANDO DE LA CRUZ BRECEDA
16400 TUCSON STREET,
BRIGHTON, CO, 8060

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:
ATTACHED

THE FOLLOWING:

FOR YOUR:

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As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by FERNANDO ARMANDO DE LA CRUZ BRECEDA adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by FERNANDO ARMANDO DE LA CRUZ BRECEDA, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barbara Brunk, mg.

RESO URC E O N S E R VA T I O N P ARTNERS, LLC
p. o. box 1522 Longmont Colorado 80502 tel 303.532.2262 fax 303.702.0585
p. o. box 1522 Longmont, Colorado 80502 tel 303.532.2262. fax 702.0585 303
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. ________________________________

2. ________________________________

3. ________________________________

4. ________________________________

5. ________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC_______________________(print applicant/company name),
by __Joel Bolduc__________ (print representative’s name), as __Regional Land and Environment Manager (print
representative’s title), does hereby certify that __Fernando Armando De La Cruz_Breceda____(structure
owner) shall be compensated for any damage from the proposed mining operation to the above listed
structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the
Reclamation Permit Application for __Tucson South Resource____________________________
(operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  __Aggregate Industries-WCR, Inc.__ Representative Name __Joel Bolduc____________________

Date _____________________________ Title __Regional Land Environment Manager

STATE OF _________ )
COUNTY OF_________ ) ss.

The foregoing was acknowledged before me this____ day of ______________, 20__, by
___________________________ as ______________________ of ___________________________.

___________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOLEGED BY:

Structure Owner ___________________________ Name ______________________________
Date ____________________________ Title ________________________________

STATE OF ____________ )
COUNTY OF ____________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20____, by
_______________________ as ______________________ of ____________________________.

________________________________ My Commission Expires:________________________
Notary Public
DATE: November 19, 2018

TO: Brighton Ditch Company
3286 WELD COUNTY ROAD 23,
FT LUPTON CO 80621

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by Brighton Ditch Company adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by Brighton Ditch Company, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: __________________________

Aggregate Industries – WCR, Inc.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Brighton Ditch

2. Brighton Ditch Return Flow

3. 

4. 

5. 

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, Aggregate Industries-WC (print applicant/company name), by Joel Bolduc (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that Brighton Ditch Company (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc

Date ___________________________ Title Regional Land Environment Manager

STATE OF ____________

COUNTY OF___________

The foregoing was acknowledged before me this___ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

_______________________ My Commission Expires: ____________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ______________ )
COUNTY OF ____________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: SAN MARTIN CABALLERO, LLC
13110 E 160TH AVE
BRIGHTON, CO, 80601

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:

THE FOLLOWING:

FOR YOUR:

- Attached
- Originals
- Use
- Information below
- Copy of Letter
- Approval
- Applications
- Information
- Specifications
- Review and Comment
- Other

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by SAN MARTIN CABALLERO, LLC. adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by SAN MARTIN CABALLERO, LLC. and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: ________________________

Barbara Brunk, mgr.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. ______ Fence ____________________________________________________________

2. _____________________________________________________________

3. _____________________________________________________________

4. _____________________________________________________________

5. _____________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, Aggregate Industries-WC, by Joel Bolduc, as Regional Land and Environment Manager, does hereby certify that San Martin Caballero, LLC shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc

Date ___________________________ Title Regional Land Environment Manager

STATE OF ____________ )
COUNTY OF_________ ) ss.

The foregoing was acknowledged before me this___ day of ____________, 20___, by __________________ as __________________ of ____________________________.

My Commission Expires: __________________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ________________ Title ________________________________

STATE OF ____________ )

COUNTY OF ____________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________

Notary Public
Transmittal

DATE: November 19, 2018

TO: Colorado Department of Transportation
2829 W. HOWARD PLACE
DENVER, CO, 80204

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by Colorado Department of Transportation adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by Colorado Department of Transportation, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: ____________________________

Barbara Brunk, P.G.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. __ROW Fences ________________________________________

2. ___Colorado State Highway 7 _________________________________

3. ___Colorado State HWY 7 Platte River Bridge ______________________

4. ___Guardrail ______________________________________________

5. __________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, Aggregate Industries-WC, by Joel Bolduc, as Regional Land and Environment Manager, does hereby certify that the Colorado Department of Transportation shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc

Date ______________________________ Title Regional Land Environment Manager

STATE OF __________ )

COUNTY OF_________ ) ss.

The foregoing was acknowledged before me this____ day of ____________, 20__, by ______________________ as ______________________ of __________________________.

________________________________ My Commission Expires: __________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ____________________ Title ________________________________

STATE OF ____________ )
COUNTY OF ____________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________

Notary Public
DATE: November 19, 2018

TO: Century Link
    PO BOX 2560,
    OMAHA, NE, 68103

FROM: Barb Brunk
    Resource Conservation Partners, LLC
    P.O. Box 1522
    Longmont, CO 80502

WE TRANSMIT:  THE FOLLOWING:  FOR YOUR:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by Century Link adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by Century Link, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barb Brunk, mg.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. __ Telephone Lines ________________________________

2. ______________________________________________________________________________________

3. ______________________________________________________________________________________

4. ______________________________________________________________________________________

5. ______________________________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC_______________________(print applicant/company name),
by __Joel Bolduc__________ (print representative’s name), as __Regional Land and Environment Manager (print representative’s title), does hereby certify that __Century Link___________________(structure owner) shall be
compensated for any damage from the proposed mining operation to the above listed structure(s) located
on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit
Application for  Tucson South Resource______________________________ (operation name), File
Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  __Aggregate Industries-WCR, Inc._________ Representative Name  __Joel Bolduc_____________

Date ____________________________ Title  __Regional Land Environment Manager

STATE OF ____________ )

COUNTY OF___________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___. by
______________________ as ______________________ of _______________________.

________________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF _____________  )
COUNTY OF _____________  ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by
_________________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
DATE: November 19, 2018

TO: FERNANDO DE LA CRUZ
16400 TUCSON STREET,
BRIGHTON, CO, 8060

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by FERNANDO DE LA CRUZ adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by FERNANDO DE LA CRUZ and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: [Signature]
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. *(Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)*

*The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

The following structures are located on or within 200 feet of the proposed affected area:

1. __________ Private Residence and outbuildings

2. __________

3. __________

4. __________

5. __________

*(Please list additional structures on a separate page)*
CERTIFICATION

The Applicant, ___Aggregate Industries-WC______________________(print applicant/company name), by _Joel Bolduc_________ (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that _Fernando De La Cruz_____(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource_______________________________ (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name  ___Joel Bolduc________________________

Date ___________________________  Title  Regional Land Environment Manager

STATE OF ____________

) ss.

COUNTY OF___________

The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires: __________________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ____________ )
COUNTY OF ____________ ) ss.
The foregoing was acknowledged before me this ___ day of ____________, 20___, by
_______________________ as ______________________ of ___________________________.

___________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: GREAT WESTERN OPERATING COMPANY, LLC
1801 Broadway, Suite 500
Denver CO 80202

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: The Following:

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by GREAT WESTERN OPERATING COMPANY, LLC adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by GREAT WESTERN OPERATING COMPANY, LLC and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barbara Brunk, PMP
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. _____ Oil and Gas Facility, Well, Appurtenances and Fence

2. _____ Gas Line

3. _____ Oil and Gas Facility

4. _______________________________________________________________

5. _______________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC_____________________(print applicant/company name),
by __Joel Bolduc________ (print representative’s name), as __Regional Land and Environment Manager (print
representative’s title), does hereby certify that __Great Western Operating Company, LLC________ (structure
owner) shall be compensated for any damage from the proposed mining operation to the above listed
structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the
Reclamation Permit Application for  Tucson South Resource__________________________
(operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name  Joel Bolduc____________________
Date ________________________________  Title  Regional Land Environment Manager

STATE OF ____________ )
 ) ss.
COUNTY OF___________ )

The foregoing was acknowledged before me this____ day of _____________, 20___, by
____________________ as ______________________ of ____________________________.

________________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ______________________________ Title _________________________________

STATE OF ______________ )
COUNTY OF____________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: Christofer Muhler
11585 COUNTY ROAD 2, BRIGHTON, CO, 80603

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

<table>
<thead>
<tr>
<th>Attached</th>
<th>Originals</th>
<th>Use</th>
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<tbody>
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<td>Review and Comment</td>
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</table>

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by Christofer Muhler adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by Christofer Muhler, and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barbara Brunk, mg.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. Private Residence and Outbuildings

2. 

3. 

4. 

5. 

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, ___Aggregate Industries-WC_____________________(print applicant/company name),
by Joel Bolduc ___________ (print representative’s name), as Regional Land and Environment Manager (print
representative’s title), does hereby certify that ___Christofer Muhler ___________ (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for Tucson South Resource______________________________ (operation name),
File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc ____________
Date ____________________________ Title Regional Land Environment Manager

STATE OF __________ )
) ss.
COUNTY OF __________ )

The foregoing was acknowledged before me this___ day of ____________, 20___, by
____________________________ as _______________________ of _____________________________.

____________________________ My Commission Expires: ___________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ______________ )

COUNTY OF ______________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________

Notary Public
Transmittal

DATE: November 19, 2018

TO: JAMES AND SARAH MUMFORD
11835 COUNTY ROAD 2
BRIGHTON, CO, 80603

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

Attached Originals Use
Information below Copy of Letter Approval
Applications Information
Specifications Review and Comment
Other

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by JAMES AND SARAH MUMFORD adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by JAMES AND SARAH MUMFORD and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: [Signature]

RESOURCES CONSERVATION PARTNERS, LLC
P.O. Box 1522, Longmont, Colorado 80502; Tel 303.532.2262; Fax 303.702.0585

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. __________ Private Residence and Outbuildings

2. __________________________________________________________________________

3. __________________________________________________________________________

4. __________________________________________________________________________

5. __________________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, ___Aggregate Industries-WC_____________________(print applicant/company name), by ___Joel Bolduc_________ (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that James and Sarah Mumford_____________________(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource______________________________ (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name  Joel Bolduc____________________
Date ___________________________  Title  Regional Land Environment Manager

STATE OF ____________ )
COUNTY OF___________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires: _________________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner __________________________ Name ______________________________
Date ___________________________ Title ________________________________

STATE OF ____________ )
COUNTY OF __________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
DATE: November 15, 2018

TO: PUBLIC SERVICE CO. OF COLO.
1800 LARIMER ST
DENVER, COLORADO, 80202

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:

THE FOLLOWING:

FOR YOUR:

- Attached
- Information below

- Originals
- Copy of Letter

- Applications
- Information

- Specifications
- Review and Comment

Other

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by PUBLIC SERVICE CO. OF COLO. adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by PUBLIC SERVICE CO. OF COLO. and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: Barbara Brunk, mg.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. ______________________ Overhead Electric with Power Poles ________________________________

2. ________________________________

3. ________________________________

4. ________________________________

5. ___________________________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, ___Aggregate Industries-WC____________________(print applicant/company name),
by _Joel Bolduc_________(print representative’s name), as  Regional Land and Environment Manager (print representative’s title), does hereby certify that _Public Service Company of Colorado____(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for  Tucson South Resource____________________________
(operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name  Joel Bolduc

Date _______________________________  Title  Regional Land Environment Manager

STATE OF __________  )
COUNTY OF___________  ) ss.

The foregoing was acknowledged before me this____ day of ____________, 20__, by

_________________________  as ______________________ of ___________________________.

________________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ______________ )
COUNTY OF____________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

_________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 15, 2018

TO: City of Thornton
9500 CIVIC DR,
THORNTON CO 80229-4326

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

<table>
<thead>
<tr>
<th>WE TRANSMIT:</th>
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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by CITY OF THORNTON. adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by CITY OF THORNTON and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: ____________________________

Barbara Brunk, Mgr.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

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The following structures are located on or within 200 feet of the proposed affected area:

1. __ Thornton Reservoir __________________________________________

2. ___________________________________________________________

3. ___________________________________________________________

4. ___________________________________________________________

5. ________________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, Aggregate Industries-WC, by Joel Bolduc, as Regional Land and Environment Manager, does hereby certify that City of Thornton shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant Aggregate Industries-WCR, Inc. Representative Name Joel Bolduc

Date ____________________________ Title Regional Land Environment Manager

STATE OF ________ )
COUNTY OF_______ ) ss.

The foregoing was acknowledged before me this____ day of ____________, 20___, by
____________________ as __________________ of ________________________.

_______________________ My Commission Expires: ___________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ___________________________ Title _________________________________

STATE OF ___________

COUNTY OF ___________

The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: TODD CREEK FARMS METROPOLITAN DIST. NO. 1
7550 EAST 152ND AVE.
BRIGHTON, COLORADO, 80401

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

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Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by TODD CREEK FARMS METROPOLITAN DIST. NO. 1 adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by TODD CREEK FARMS METROPOLITAN DIST. NO. 1 and Aggregate Industries does not anticipate any structural damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: [Signature]

RESOURCES CONSERVATION PARTNERS, LLC
p.o. box 1522, Longmont, Colorado 80502, tel 303.532.2262, fax 303.702.0585
p.o.box 1522, Longmont, Colorado 80502, tel 303.532.2262, fax 702.0585 303
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board ("Board") has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division."

The following structures are located on or within 200 feet of the proposed affected area:

1. _____ Waterline

2. _____ Waterline

3. _____ Waterline, well pump house and appurtenances

4. _____ Underground Electric

5. _____________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, __Aggregate Industries-WC____________________(print applicant/company name),
by _Joel Bolduc_________(print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that __Todd Creek Farms Metropolitan District No. 1__(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for  Tucson South Resource____________________________
(operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEGED BY:

Applicant  __Aggregate Industries-WCR, Inc.__ Representative Name ___Joel Bolduc____________

Date ___________________________ Title  Regional Land Environment Manager

STATE OF ____________ )

COUNTY OF___________ ) ss.

The foregoing was acknowledged before me this____ day of ____________, 20__, by
________________________ as ______________________ of ___________________________

________________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ________________________________ Title _________________________________

STATE OF ______________ )

) ss.

COUNTY OF __________ )
The foregoing was acknowledged before me this____ day of _____________, 20___, by

_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________

Notary Public
Transmittal

DATE: November 19, 2018

TO: URBAN DRAINAGE AND FLOOD CONTROL DISTRICT
2480 W. 26TH AVE, SUITE 156B
DENVER, COLORADO, 80211

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT: THE FOLLOWING: FOR YOUR:

<table>
<thead>
<tr>
<th>Attached</th>
<th>Originals</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information below</td>
<td>Copy of Letter</td>
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<td>Applications</td>
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</tr>
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<td>Review and Comment</td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by URBAN DRAINAGE AND FLOOD CONTROL DISTRICT1 adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by URBAN DRAINAGE AND FLOOD CONTROL DISTRICT and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: __________________________

RESOURCES & CONSERVATION PARTNERS, LLC
P.O. Box 1522, Longmont, Colorado 80502. Tel: 303.532.2262. Fax: 303.702.0585.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

1. ____________ Riverbank Stabilization ________________________________

2. ____________________________ ________________________________

3. ____________________________ ________________________________

4. ____________________________ ________________________________

5. __________________________________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant,  Aggregate Industries-WC (print applicant/company name), by Joel Bolduc (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that Urban Drainage and Flood Control District (structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for Tucson South Resource (operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name  Joel Bolduc
Date _______________________________  Title  Regional Land Environment Manager

STATE OF ___________ )
COUNTY OF___________ ) ss.

The foregoing was acknowledged before me this____ day of _____________, 20___, by_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires: ______________________
Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ______________________________ Title ________________________________

STATE OF ______________ )
COUNTY OF ____________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________

Notary Public
DATE:   November 19, 2018

TO:       UNITED POWER INC.
PO BOX 929
BRIGHTON, CO, 80602

FROM:      Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:

THE FOLLOWING: FOR YOUR:
Attached
Information below
Applications
Specifications
Other

Use
Copy of Letter
Approval
Information
Review and Comment

Remarks:

Aggregate Industries – WCR, Inc. is in the process of obtaining a Colorado Division of Reclamation, Mining and Safety (DRMS) permit for the mining of aggregate materials in an area of Adams County (see Vicinity Map). The mining will include excavation to maximum depths of about 50 feet below the ground surface and reclamation will involve creation of two lined municipal water storage reservoirs and backfilling, grading and revegetation to create stable reservoir slopes and upland meadows.

As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by UNITED POWER INC. adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by UNITED POWER INC. and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: ________________________________
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or

b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or

c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20)

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The following structures are located on or within 200 feet of the proposed affected area:

1. ___ Overhead Electric with Power Poles

2. ___ Underground Electric

3. 

4. 

5. 

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, ___Aggregate Industries-WC____________________________(print applicant/company name), by __Joel Bolduc________(print representative’s name), as __Regional Land and Environment Manager________________(print representative’s title), does hereby certify that __United Power______________________(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for __Tucson South Resource______________________________(operation name), File Number M-2004-044.

This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant __Aggregate Industries-WCR, Inc.__ Representative Name __Joel Bolduc____________

Date ____________________________ Title __Regional Land Environment Manager________________

STATE OF __________ )

) ss.

COUNTY OF__________ )

The foregoing was acknowledged before me this____ day of ____________, 20__, by 
____________________ as ____________________ of __________________________.

________________________________ My Commission Expires: ______________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________

Date ________________________________ Title _________________________________

STATE OF ___________ )
COUNTY OF ___________ ) ss.
The foregoing was acknowledged before me this____ day of _____________, 20___, by
_______________________ as ______________________ of ___________________________.

________________________________ My Commission Expires:________________________
Notary Public
Transmittal

DATE: November 19, 2018

TO: XCEL
414 NICOLLET MALL
MINNEAPOLIS, MN, 55401

FROM: Barb Brunk
Resource Conservation Partners, LLC
P.O. Box 1522
Longmont, CO 80502

WE TRANSMIT:

<table>
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As part of the DRMS permitting process, Aggregate Industries has identified permanent man-made structures owned by XCEL adjacent to the project (see Pre-Mining/Mining Plan Map). Mine planning has established appropriate setbacks from mining excavations to protect the integrity of adjacent structures, including those owned by XCEL and Aggregate Industries does not anticipate any structure damages. However, DRMS requires that Aggregate Industries offer a Structure Agreement for your consideration. A typical agreement is attached.

If you are interested in the structure agreement, please contact me for further details. Please call me at (303) 532-2262 if you have any questions or need additional information.

Signed: __________________________

Barbara Brunk, Mgr.
Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety ("Division") requires that where a mining operation may adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

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The following structures are located on or within 200 feet of the proposed affected area:

1. __ Gas Lines ________________________________

2. ______________________________________________

3. ______________________________________________

4. ______________________________________________

5. ______________________________________________

(Please list additional structures on a separate page)
CERTIFICATION

The Applicant, ___Aggregate Industries-WC_____________________(print applicant/company name), by _Joel Bolduc__________ (print representative’s name), as Regional Land and Environment Manager (print representative’s title), does hereby certify that _Xcel____________________(structure owner) shall be compensated for any damage from the proposed mining operation to the above listed structure(s) located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation Permit Application for  Tucson South Resource______________________________ (operation name), File Number M-2004-044.

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NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant  Aggregate Industries-WCR, Inc.  Representative Name    Joel Bolduc____________________

Date ____________________________  Title  Regional Land Environment Manager

STATE OF __________ )

 ) ss.

COUNTY OF__________ )

The foregoing was acknowledged before me this____ day of ____________, 20__, by

____________________ as ______________________ of ____________________________.

________________________________ My Commission Expires: ______________________

Notary Public
NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner ___________________________ Name ______________________________
Date ___________________________ Title _________________________________

STATE OF ______________ )
                      ) ss.
COUNTY OF __________) ss.
The foregoing was acknowledged before me this____ day of _____________, 20__, by
_______________________ as ______________________ of ___________________________.

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<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Certified Mail Fee</td>
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</tr>
<tr>
<td>Extra Services &amp; Fees (check box, add fee if applicable)</td>
<td>$0.71</td>
</tr>
<tr>
<td>Return Receipt (hardcopy)</td>
<td>$0.00</td>
</tr>
<tr>
<td>Return Receipt (electronic)</td>
<td>$0.00</td>
</tr>
<tr>
<td>Certified Mail Restricted Delivery</td>
<td>$0.00</td>
</tr>
<tr>
<td>Adult Signature Required</td>
<td>$0.00</td>
</tr>
<tr>
<td>Adult Signature Restricted Delivery</td>
<td>$0.00</td>
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<tr>
<td>Postage</td>
<td>$0.71</td>
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<tr>
<td>Total Postage and Fees</td>
<td>$6.91</td>
</tr>
</tbody>
</table>

For delivery information, visit our website at www.usps.com.

Official Use

Minneapolis, MN 55401

Certified Mail Fee: $3.45
Extra Services & Fees: $0.71
Total Postage and Fees: $6.91

Sent To:
XCEL
414 Nicollet Mall,
Minneapolis, MN, 55401

Postmark Here
11/20/2018

Adult Signature Required
Adult Signature Restricted Delivery
Return Receipt (hardcopy)
Return Receipt (electronic)
Certified Mail Restricted Delivery
Certified Mail Fee
Extra Services & Fees
Postmark
Total Postage and Fees

PS Form 3800, April 2015
See Reverse for Instructions
CONSTRUCTION MATERIALS
REGULAR (112) OPERATION
RECLAMATION PERMIT APPLICATION FORM

CHECK ONE: □ There is a File Number Already Assigned to this Operation

Permit # __M2.004 - 044___ (Please reference the file number currently assigned to this operation)

□ New Application (Rule 1.4.5)  □ Amendment Application (Rule 1.10)

Permit # __M2.004 - 044___ (provide for Amendments and Conversions of existing permits)

The application for a Construction Materials Regular 112 Operation Reclamation Permit contains three major parts: (1) the application form; (2) Exhibits A-S, Addendum 1, any sections of Exhibit 6.5 (Geotechnical Stability Exhibit); and (3) the application fee. When you submit your application, be sure to include one (1) complete signed and notarized ORIGINAL and one (1) copy of the completed application form, two (2) copies of Exhibits A-S, Addendum 1, appropriate sections of 6.5 (Geotechnical Stability Exhibit, and a check for the application fee described under Section (4) below. Exhibits should NOT be bound or in a 3-ring binder; maps should be folded to 8 1/2" X 11" or 8 1/2" X 14" size. To expedite processing, please provide the information in the format and order described in this form.

GENERAL OPERATION INFORMATION
Type or print clearly, in the space provided, ALL information requested below.

1. Applicant/operator or company name (name to be used on permit): Aggregate Industries-WCR, Inc.

1.1 Type of organization (corporation, partnership, etc.): Corporation

2. Operation name (pit, mine or site name): Tucson South Resource

3. Permitted acreage (new or existing site):

3.1 Change in acreage (+)

3.2 Total acreage in Permit area

4. Fees:

4.1 New Application

4.2 New Quarry Application

4.4 Amendment Fee

4.5 Conversion to 112 operation (set by statute)

5. Primary commodities(s) to be mined: sand  gravel

5.1 Incidental commodity(s) to be mined: 1. ___ gold __ lbs/Tons/yr

5.2 Anticipated end use of primary commodity(s) to be mined: construction materials

5.3 Anticipated end use of incidental commodity(s) to be mined: n/a
6. **Name of owner of subsurface rights of affected land:** See Exhibit O
   
   *If 2 or more owners, "refer to Exhibit O."

7. **Name of owner of surface of affected land:** See Exhibit O

8. **Type of mining operation:** [ ] Surface [ ] Underground

9. **Location Information:** The center of the area where the majority of mining will occur:

   COUNTY: Adams

   PRINCIPAL MERIDIAN (check one): [ ] 6th (Colorado) [ ] 10th (New Mexico) [ ] Ute

   SECTION (write number):

   TOWNSHIP (write number and check direction): T 1 [ ] North [ ] South

   RANGE (write number and check direction): R 67 [ ] East [ ] West

   QUARTER SECTION (check one):

   QUARTER/QUARTER SECTION (check one):

   GENERAL DESCRIPTION: (the number of miles and direction from the nearest town and the approximate elevation): __________

   approximately 1 mile west of Brighton, west of the South Platte River at the intersection of Tucson Street and HWY 7

10. **Primary Mine Entrance Location** (report in either Latitude/Longitude OR UTM):

    Latitude/Longitude:

    Example: (N) 39° 44' 12.98"
    (W) 104° 59' 3.87"

    Latitude (N): deg ______ min ______ sec ______ (2 decimal places)
    Longitude (W): deg ______ min ______ sec ______ (2 decimal places)

    OR

    Example: (N) 39.73691°
    (W) -104.98449°

    Latitude (N) 39.99007 (5 decimal places)
    Longitude(W) 104.83759 (5 decimal places)

    OR

    **Universal Transverse Mercator (UTM)**

    Example: 201363.3 E NAD27 Zone 13
    4398351.2 N

    UTM Datum (specify NAD27, NAD83 or WGS 84) Nad 83 Zone 13

    Easting

    Northing
11. **Correspondence Information:**

**APPLICANT/OPERATOR** (name, address, and phone of name to be used on permit)

<table>
<thead>
<tr>
<th>Contact's Name:</th>
<th><strong>Joel Bolduc</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>Aggregate Industries-WCR inc.</td>
</tr>
<tr>
<td>Street/P.O. Box:</td>
<td>1687 Cole Blvd., Suite 300</td>
</tr>
<tr>
<td>City:</td>
<td>Golden</td>
</tr>
<tr>
<td>State:</td>
<td>Colorado</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>80401-3318</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>(719) - 239-0974</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
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**PERMITTING CONTACT** (if different from applicant/operator above)

<table>
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<tr>
<th>Contact's Name:</th>
<th>Barb Brunk</th>
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<td>Resource Conservation Partners, LLC</td>
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<tr>
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</tr>
<tr>
<td>City:</td>
<td>Longmont</td>
</tr>
<tr>
<td>State:</td>
<td>Colorado</td>
</tr>
<tr>
<td>Zip Code:</td>
<td>80502</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>(303) - 775 6180</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>(303) - 702-0585</td>
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**INSPECTION CONTACT**

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<td>Zip Code:</td>
<td>80401-3318</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>(719) - 239-0974</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
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</table>

**CC: STATE OR FEDERAL LANDOWNER (if any)**

| Agency: |  |
| Street:  |  |
| City:    |  |
| State:   |  |
| Telephone Number: |  |

**CC: STATE OR FEDERAL LANDOWNER (if any)**

| Agency: |  |
| Street:  |  |
| City:    |  |
| State:   |  |
| Telephone Number: |  |
12. **Primary future (Post-mining) land use (check one):**

- [ ] Cropland (CR)
- [ ] Pastureland (PL)
- [ ] General Agriculture (GA)
- [ ] Rangeland (RL)
- [ ] Forestry (FR)
- [ ] Wildlife Habitat (WL)
- [ ] Residential (RS)
- [ ] Recreation (RC)
- [ ] Industrial/Commercial (IC)
- [x] Developed Water Resources (WR)
- [ ] Solid Waste Disposal (WD)

13. **Primary present land use (check one):**

- [ ] Cropland (CR)
- [x] Pastureland (PL)
- [ ] General Agriculture (GA)
- [ ] Rangeland (RL)
- [ ] Forestry (FR)
- [x] Wildlife Habitat (WL)
- [ ] Residential (RS)
- [ ] Recreation (RC)
- [ ] Industrial/Commercial (IC)
- [ ] Developed Water Resources (WR)

14. **Method of Mining:** Briefly explain mining method (e.g. truck/shovel): Mine with excavation equipment, dredge, backhoes, front end loaders, material placed in trucks or on conveyor, transported off site for processing.

15. **On Site Processing:**

- [ ] Crushing/Screening
- [x] No on site processing

13.1 Briefly explain mining method (e.g. truck/shovel): __________________________________________

List any designated chemicals or acid-producing materials to be used or stored within permit area: Petroleum Products

16. **Description of Amendment or Conversion:**

If you are amending or converting an existing operation, provide a brief narrative describing the proposed change(s).

Amend the existing permit to add approximately 13 acres and conveyor route to transport material off site for processing. Remove a portion of the permit area from the affected lands.
Maps and Exhibits:

Two (2) complete, unbound application packages must be submitted. One complete application package consists of a signed application form and the set of maps and exhibits referenced below as Exhibits A-S, Addendum 1, and the Geotechnical Stability Exhibit. Each exhibit within the application must be presented as a separate section. Begin each exhibit on a new page. Pages should be numbered consecutively for ease of reference. If separate documents are used as appendices, please reference these by name in the exhibit.

With each of the two (2) signed application forms, you must submit a corresponding set of the maps and exhibits as described in the following references to Rule 6.4, 6.5, and 1.6.2(1)(b):

- EXHIBIT A: Legal Description
- EXHIBIT B: Index Map
- EXHIBIT C: Pre-Mining and Mining Plan Map(s) of Affected Lands
- EXHIBIT D: Mining Plan
- EXHIBIT E: Reclamation Plan
- EXHIBIT F: Reclamation Plan Map
- EXHIBIT G: Water Information
- EXHIBIT H: Wildlife Information
- EXHIBIT I: Soils Information
- EXHIBIT J: Vegetation Information
- EXHIBIT K: Climate Information
- EXHIBIT L: Reclamation Costs
- EXHIBIT M: Other Permits and Licenses
- EXHIBIT N: Source of Legal Right-To-Enter
- EXHIBIT O: Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined
- EXHIBIT P: Municipalities Within Two Miles
- EXHIBIT Q: Proof of Mailing of Notices to County Commissioners and Conservation District
- EXHIBIT R: Proof of Filing with County Clerk or Recorder
- EXHIBIT S: Permanent Man-Made Structures
- Rule 1.6.2(1)(b): ADDENDUM 1 - Notice Requirements (sample enclosed)
- Rule 6.5: Geotechnical Stability Exhibit (any required sections)

The instructions for preparing Exhibits A-S, Addendum 1, and Geotechnical Stability Exhibit are specified under Rule 6.4 and 6.5 and Rule 1.6.2(1)(b) of the Rules and Regulations. If you have any questions on preparing the Exhibits or content of the information required, or would like to schedule a pre-application meeting you may contact the Office at 303-866-3567.

Responsibilities as a Permittee:

Upon application approval and permit issuance, this application becomes a legally binding document. Therefore, there are a number of important requirements which you, as a permittee, should fully understand. These requirements are listed below. Please read and initial each requirement, in the space provided, to acknowledge that you understand your obligations. If you do not understand these obligations then please contact this Office for a full explanation.

1. Your obligation to reclaim the site is not limited to the amount of the financial warranty. You assume legal liability for all reasonable expenses which the Board or the Office may incur to reclaim the affected lands associated with your mining operation in the event your permit is revoked and financial warranty is forfeited;
2. The Board may suspend or revoke this permit, or assess a civil penalty, upon a finding that the permittee violated the terms or conditions of this permit, the Act, the Mineral Rules and Regulations, or that information contained in the application or your permit misrepresent important material facts;

3. If your mining and reclamation operations affect areas beyond the boundaries of an approved permit boundary, substantial civil penalties, to you as permittee can result;

4. Any modification to the approved mining and reclamation plan from those described in your approved application requires you to submit a permit modification and obtain approval from the Board or Office;

5. It is your responsibility to notify the Office of any changes in your address or phone number;

6. Upon permit issuance and prior to beginning on-site mining activity, you must post a sign at the entrance of the mine site, which shall be clearly visible from the access road, with the following information (Rule 3.1.12):

   a. the name of the operator;

   b. a statement that a reclamation permit for the operation has been issued by the Colorado Mined Land Reclamation Board; and,

   c. the permit number.

7. The boundaries of the permit boundary area must be marked by monuments or other markers that are clearly visible and adequate to delineate such boundaries prior to site disturbance.

8. It is a provision of this permit that the operations will be conducted in accordance with the terms and conditions listed in your application, as well as with the provisions of the Act and the Construction Material Rules and Regulations in effect at the time the permit is issued.

9. Annually, on the anniversary date of permit issuance, you must submit an annual fee as specified by Statute, and an annual report which includes a map describing the acreage affected and the acreage reclaimed to date (if there are changes from the previous year), any monitoring required by the Reclamation Plan to be submitted annually on the anniversary date of the permit approval. Annual fees are for the previous year a permit is held. For example, a permit with the anniversary date of July 1, 1995, the annual fee is for the period of July 1, 1994 through June 30, 1995. Failure to submit your annual fee and report by the permit anniversary date may result in a civil penalty, revocation of your permit, and forfeiture of your financial warranty. It is your responsibility, as the permittee, to continue to pay your annual fee to the Office until the Board releases you from your total reclamation responsibility.

10. For joint venture/partnership operators: the signing representative is authorized to sign this document and a power of attorney (provided by the partner(s)) authorizing the signature of the representative is attached to this application.
NOTE TO COMMENTORS/OBJECTORS:

It is likely there will be additions, changes, and deletions to this document prior to final decision by the Office. Therefore, if you have any comments or concerns you must contact the applicant or the Office prior to the decision date so that you will know what changes may have been made to the application document.

The Office is not allowed to consider comments, unless they are written, and received prior to the end of the public comment period. You should contact the applicant for the final date of the public comment period.

If you have questions about the Mined Land Reclamation Board and Office’s review and decision or appeals process, you may contact the Office at (303) 866-3567.
Certification:

As an authorized representative of the applicant, I hereby certify that the operation described has met the minimum requirements of the following terms and conditions:

1. To the best of my knowledge, all significant, valuable and permanent man-made structure(s) in existence at the time this application is filed, and located within 200 feet of the proposed affected area have been identified in this application (Section 34-32.5-115(4)(e), C.R.S.).

2. No mining operation will be located on lands where such operations are prohibited by law (Section 34-32.5-115(4)(f), C.R.S.);

3. As the applicant/operator, I do not have any extraction/exploration operations in the State of Colorado currently in violation of the provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Section 34-32.5-120, C.R.S.) as determined through a Board finding.

4. I understand that statements in the application are being made under penalty of perjury and that false statements made herein are punishable as a Class 1 misdemeanor pursuant to Section 18-8-503, C.R.S.

This form has been approved by the Mined Land Reclamation Board pursuant to section 34-32.5-112, C.R.S., of the Colorado Land Reclamation Act for the Extraction of Construction Materials. Any alteration or modification of this form shall result in voiding any permit issued on the altered or modified form and subject the operator to cease and desist orders and civil penalties for operating without a permit pursuant to section 34-32.5-123, C.R.S.

Signed and dated this 12 day of November, 2018.

 Aggregate Industries, WCR Inc.

[Signatures]

Title: [Title]

State of [State] ss.

County of [County] ss.

The foregoing instrument was acknowledged before me this 12 day of November, 2018, by [Signatures] as [Title] of Aggregate Industries.

[SIGNATURES MUST BE IN BLUE INK]

You must post sufficient Notices at the location of the proposed mine site to clearly identify the site as the location of a
EXHIBIT A

LEGAL DESCRIPTION
EXHIBIT A

Legal Description

Tucson South Resource is located one mile west of the City of Brighton in Adams County, Colorado. The amended Tucson South Permit Boundary includes 307.5 acres. The Affected Area boundary, which is the mine permit boundary less the westernmost parcel (owned and operated by the City of Aurora for non-mining purposes) has an area of approximately 258.5 acres.

The Permit Boundary comprised of three distinct mining areas separated by Tucson Street and Colorado Highway 7, the Tucson Street right-of-way and the portion of the off-site conveyor route located within Adams County. Acreage within the Permit Boundary is summarized as follows:

- **South - Phase 1**, 24.3 acres, Tract I, located south of the State Highway 7;
- **West - Phase 2**, 137.6 acres, Tracts A, B, C, K, located north of State Highway 7 and west of Tucson Street;
- **East - Phase 3**, 139.4 acres, Tracts D, E, F, G, H, M, located north of State Highway 7 and east of Tucson Street;
- Tucson Street right-of-way - 2.9 acres, Tract L; and
- Off-site conveyor route located in Adams County - 3.3 acres, Tract J.

The tracts that will be mined within the Permit Boundary are owned by Aggregate Industries-WCR, Inc., and the City of Aurora. The conveyor route crosses a parcel owned by the City of Thornton. The Tucson Street right-of-way is owned by Adams County. Specific legal descriptions for the tracts within the Permit Boundary are included below.

Quarter, quarter section description of the proposed permit area:
Portions of the S ½ of Section 1, the NE ¼ of Section 1 and NE ¼ of the NW ¼ of Section 12, Township 1 South, Range 67 West of the Sixth Principal Meridian, Adams County, State of Colorado.

Latitude/Longitude of main entrance:

<table>
<thead>
<tr>
<th>$\text{Lat}</th>
<th>\text{Long}</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.99007° N</td>
<td>104.83759° W</td>
</tr>
</tbody>
</table>

Tract Specific Legal Descriptions

TRACT A

THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL WARRANTY DEED RECEIVED FEBRUARY 27, 2001 AT RECEPTION NO. C0765905, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT PARCEL B AS DESCRIBED IN A GENERAL WARRANTY DEED RECEIVED FEBRUARY 27, 2001 AT RECEPTION NO. C0765905, COUNTY OF ADAMS, STATE OF COLORADO.

AND EXCEPT THAT TRACT OF LAND CONVEYED TO CITY OF AURORA AS DESCRIBED IN GENERAL WARRANTY DEED RECEIVED DECEMBER 22, 2005, AS RECEPTION NO. 20051222001399920, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT B

A PARCEL OF LAND IN THE SW 1/4 OF SECTION I, TOWNSHIP I SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS. STATE OF COLORADO, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 1: THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 1 A DISTANCE OF 1449 FEET; THENCE S84°05’E A DISTANCE OF 1334.7 FEET TO THE TRUE POINT OF BEGINNING:
THENCE S69°18’E, 260.7 FEET;
THENCE N07°32’E, 171.6 FEET;
THENCE N69°18’W, 260.7 FEET;
THENCE S07°32’W, 171.6 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT C

ALL THAT TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED SEPTEMBER 26, 2016 AT RECEPTION NO. 2016000080681, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT D

THAT PART OF THE NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE N. 89°37’18” E. ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 1050.57 FEET; THENCE S. 00˚08’29” E, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 621.95 FEET TO A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER AND 5 FEET SOUTH OF AN EXISTING HOUSE; THENCE S. 89°37’18” W. ALONG SAID LINE A DISTANCE OF 1050.57 FEET TO THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE N. 00˚08’29” W. ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 621.95 FEET, TO THE POINT OF BEGINNING; EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT E

THAT PART OF THE NORTH ONE-HALF SOUTHEAST ONE QUARTER SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO, LYING NORTH AND WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 00˚08’29” EAST ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 621.95 FEET TO A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER AND 5 FEET SOUTH OF AN EXISTING HOUSE AND THE POINT OF BEGINNING; THENCE NORTH 89°37’18” EAST, PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET; THENCE NORTH 00˚08’29” WEST, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 621.95 FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE NORTH 89°37’18” EAST ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1635.47 FEET TO THE NORTHEAST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 00˚31’01” EAST ALONG THE EAST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 590.02 FEET TO THE CENTERLINE OF THE SOUTH PLATTE RIVER; THENCE SOUTHERLY ALONG THE CENTERLINE OF THE SOUTH PLATTE RIVER SOUTH 53˚55’12” WEST, A DISTANCE OF 142.93 FEET TO A LINE THAT IS 646.34 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID
NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 89°54'25" WEST ALONG SAID LINE, A DISTANCE OF 1324.16 FEET TO A LINE THAT IS 1250.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 00°08'29" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 169.08 FEET TO A LINE THAT IS 477.26 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 89°54'25" WEST ALONG SAID LINE, A DISTANCE OF 1250.00 FEET TO THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE NORTH 00°08'29" WEST ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 207.94 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT F

THAT PART OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER, SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, STATE OF COLORADO, LYING NORTH AND WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°08'29" W, ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 477.26 FEET; THENCE N89°54'25" E, PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1250.00 FEET; THENCE N00°08'29" W, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 169.08 FEET; THENCE N89°54'25" E, PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 1324.16 FEET TO THE CENTERLINE OF THE SOUTH PLATTE RIVER; THENCE BY THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53°55'12" W, 94.57 FEET; S32°39'44" W, 231.53 FEET; S26°54'09" W, 242.48 FEET; S15°48'38" W, 187.17 FEET TO THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE S89°54'25" W, ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 2210.47 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT G

ALL THAT TRACT OF LAND DESCRIBED IN THE QUIT CLAIM DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT H

THE SW1/4 OF THE SE1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST, EXCEPT THAT PART AS DESCRIBED IN BOOK 1055 AT PAGE 52, AND IN BOOK 1214 AT PAGE 326 AND EXCEPT THAT PART DESCRIBED IN BOOK 1205 AT PAGE 128, COUNTY OF ADAMS, STATE OF COLORADO

TRACT I

PARCEL B OF A GENERAL WARRANTY DEED RECORDED FEBRUARY 27, 2001 AT RECEPTION NO. C0765905, COUNTY OF ADAMS, STATE OF COLORADO.
TRACT J (CONVEYOR ROUTE EASEMENT)

A PORTION OF A PARCEL OWNED BY THE CITY OF THORNTON (PN: 0157101002001) LOCATED IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST 50.00 FEET; THE NORTH 50.00 FEET OF THE WEST 1250.00 FEET; AND THE SOUTH 50.00 FEET OF THE WEST 380.00 FEET.

TRACT K

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 1; THENCE SOUTH 89°39'53" WEST 2445.14 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 00°06'03" WEST 827.14 FEET; THENCE 214.58 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2944.62 FEET AND A LONG CHORD WHICH BEARS NORTH 69°36'00" WEST 214.53 FEET TO A POINT LYING 40.00 FEET EASTERLY FROM THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 00°06'03" WEST 32.52 FEET PARALLEL TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE 305.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2914.62 FEET AND A LONG CHORD WHICH BEARS SOUTH 70°16'26" EAST 305.80 FEET, SAID POINT BEING ON THE SOUTHERLY LINE OF THE TUCSON RESOURCES SUBDIVISION AS RECORDED IN THE ADAMS COUNTY RECORDS IN FILE 17 MAP 855; THENCE SOUTH 73°16'48" EAST 2463.67 FEET ALONG THE SOUTHERLY LINE OF SAID TUCSON RESOURCES SUBDIVISION TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00°10'30" EAST 108.13 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 TO THE POINT OF BEGINNING.

TRACT L (TUCSON STREET RIGHT-OF-WAY)

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER-SOUTH ONE-SIXTEENTH CORNER OF SECTION 1; THENCE ALONG THE NORTH-SOUTH CENTERLINE OF SECTION 1 SOUTH 00°06'29" EAST 1234.13 FEET TO A POINT WHENCE THE SOUTH ONE-QUARTER CORNER OF SECTION 1 BEARS SOUTH 00°06'29" EAST 72.70 FEET; THENCE LEAVING SAID NORTH-SOUTH CENTERLINE SOUTH 89°33'20" WEST 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TUCSON STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 00°06'29" WEST 2541.11 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 1; THENCE ALONG SAID NORTH LINE NORTH 89°40'23" EAST 30.00 FEET TO THE CENTER ONE-QUARTER CORNER OF SECTION 1; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 1 NORTH 89°39'20" EAST 40.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF TUCSON STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 00°06'29" EAST 1307.12 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 89°56'30" WEST 40.00 FEET TO THE CENTER-SOUTH ONE-SIXTEENTH CORNER OF SECTION 1 AND THE POINT OF BEGINNING.
TRACT M

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST ONE-QUARTER CORNER OF SECTION 1; THENCE WEST 2445.14 FEET; THENCE NORTH 827.14 FEET; THENCE 214.58 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2944.62 FEET AND A LONG CHORD WHICH BEARS NORTH 69D36' WEST 214.53 FEET TO A POINT 40 FEET EASTERLY FROM THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 32.52 FEET; THENCE 305.94 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2914.62 FEET AND A LONG CHORD WHICH BEARS SOUTH 70D16' EAST 305.80 FEET; THENCE SOUTH 73D16' EAST 2463.67 FEET; THENCE SOUTH 108.13 FEET TO THE POINT OF BEGINNING.
7. THE OPERATION WILL INVOLVE CONCURRENT MINING AND RECLAMATION WITH FINAL SLOPES BEING
NECESSARY.

S. PLATTE RIVER, HAVE A MAXIMUM HEIGHT OF 30', A MAXIMUM LENGTH OF 300', MAXIMUM 3H:1V SLOPES,
AND WEST MINING AREAS AS LONG AS THE TOP OF THE STOCKPILE IS BELOW THE PRE-MINING SURFACE
AND A MINIMUM OF 100' BETWEEN STOCKPILES.

11. SLURRY WALL SHOWN HEREIN IS GENERAL LOCATION ONLY. THE PORTION OF THE SLURRY WALL IN THE
DOES NOT DOCUMENT SETBACKS THAT ARE BASED ON MUTUAL AGREEMENTS OR ADAMS COUNTY
SLOPE STABILITY AND SETBACK UPDATES MEMO (TETRA TECH, JULY 9, 2019). DEVIATIONS FROM THE
APPROPRIATE APPROVALS FROM THE U.S. ARMY CORPS OF ENGINEERS.

13. NO IRRIGATION DITCHES WILL BE DISTURBED. LATERALS THAT SERVE THE PROPERTY WILL BE REMOVED.

FLOOD HAZARD INFORMATION:

LEGAL DESCRIPTIONS:

A PARCEL OF LAND IN THE SIXTH SECTION, TOWNSHIP NO. 1 SOUTHWEST, RANGE NO. 67 WEST OF THE
PLATTE RIVER, DESCRIBED AS FOLLOWS:

BEGINNING; THENCE N. 89˚37'18" E. ALONG THE NORTH LINE OF SAID
LIES WITHIN ZONE AE (SPECIAL FLOOD HAZARD) AND ADJACENT TO WETLANDS SHOWN ON PLANS ARE PER INVESTIGATION
REPORTS BY TETRA TECH DATED AUGUST 2017.

LEGAL DESCRIPTIONS:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, INC. AND IS SUBJECT TO \nMODIFICATION WITHOUT NOTICE.

MINING NOTES:

AN ASSESSMENT OF THE BAFFLED WALLS LOCATION, DESIGN, AND EFFECTIVENESS ON THE BUDDING PROCESS.

1. THE OPERATION WILL INVOLVE CONCURRENT MINING AND RECLAMATION WITH FINAL SLOPES BEING
NECESSARY.

THE EFFECTIVE CHANNEL OF THE SOUTH PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53
FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
1050.57 FEET; THENCE NORTH 89˚37'18" E ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST
ONE-QUARTER, A DISTANCE OF 1324.16 FEET TO A POINT ON THE NORTHEAST LINE OF THE NORTHEAST
QUARTER OF SAID SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE CENTERLINE OF THE SOUTH
PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53 FEET TO THE NORTH LINE OF SAID NORTH
ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 169.08 FEET TO A POINT 40 FEET EASTERLY FROM THE
WEST QUARTER CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
1050.57 FEET TO A POINT THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL WARRANTY DEED
RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

WETLAND NOTE:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1, SOUTH
RANGE 67 WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53
FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
169.08 FEET TO A POINT 40 FEET EASTERLY FROM THE WEST QUARTER CORNER OF SAID NORTH ONE-HALF
SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET TO A POINT THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL
WARRANTY DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

MINING AREA/AGE DATA TABLE:

A MINING AREA OR SURFACE MINING PROJECT WHICH IS LOCATED IN THE ORAL HILLS AREA OF THE ADAMS COUNTY.

EFFECTIVE ZONE X:
EFFECTIVE FLOODWAY:
PRE-PROJECT / MINING CONDITIONS:

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1, SOUTH
RANGE 67 WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53
FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
169.08 FEET TO A POINT 40 FEET EASTERLY FROM THE WEST QUARTER CORNER OF SAID NORTH ONE-HALF
SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET TO A POINT THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL
WARRANTY DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1, SOUTH
RANGE 67 WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53
FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
169.08 FEET TO A POINT 40 FEET EASTERLY FROM THE WEST QUARTER CORNER OF SAID NORTH ONE-HALF
SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET TO A POINT THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL
WARRANTY DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 1, SOUTH
RANGE 67 WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53˚55'12" W, 94.57 FEET; S32˚39'44" W, 231.53
FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF
169.08 FEET TO A POINT 40 FEET EASTERLY FROM THE WEST QUARTER CORNER OF SAID NORTH ONE-HALF
SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET TO A POINT THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL
WARRANTY DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER TUCSON STREET IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

2. CONVEYOR UNDER TUCSON STREET WILL BE PERMITTED THROUGH AN AMENDMENT TO WATTENBERG LAKES (M-2004-051) 112 PERMIT.

3. CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 25' FROM TUCSON STREET.

NOTE:

EXISTING UTILITIES

G R A D E

S L O P E TO D R I N A

S L O P E

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NOTE:

EXISTING UTILITIES

G R A D E

S L O P E TO D R I N A

S L O P E
1. ALL FINAL RECLAIMED RESERVOIR SIDE SLOPES SHALL BE NO STEEPER THAN 3:1 SPANIEL WITH LAFARGEHOLCIM.

2. THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRATECH, EXPERTS, AND APPROPRIATE TO THE REGION AND SOIL REGIME. MIXES LISTED IN TABLE BELOW, OR SIMILAR ALTERNATE MIX BASED ON SUBSTITUTIONS WILL DETERMINE IN CONSULTATION WITH QUALIFIED EXPERTS.

3. THE ASSUMED HIGH-WATER LINE. RE-VEGETATION SHALL USE SEED QUANTITIES AS ORIGINALLY INSTALLED AND WATERED AS NEEDED TO ENSURE PROPER GROWTH.

4. NO MINING ON THIS TRACT.

5. DRAWN BY:

   [Diagram details]

   [Diagram details]

   [Diagram details]

   [Diagram details]

   [Diagram details]

6. DESIGNED TO BE DONE DURING THE FIRST FAVORABLE WEATHER; WEATHER CONDITIONS WILL BE CONSIDERED, RECOMMENDATION OF THE WIND IT IS ANTICIPATED THAT WEATHER WILL BE CONDUCTED DURING THE WINDY SEASON IN THIS AREA. RAINY PERIODS WILL BE ALLOCATED INTO NON-WEATHER PERIODS. PLANTS WILL BE TRANSPLANTED INTO THE NURSERY, USING NON-DIG AND NON-SPRAY METHOD.

7. CERTIFIED SEEDS FREE STRAINS CUPPING INTO TOPSOIL, WILL BE USED WHERE ENDUIVABLE AREAS ARE TO BE REVEGETATED, SEEDS PLANTED INTO A SOIL MIX.

8. LESS THAN 40% SIGNIFICANTLY IMPROVED POTENTIAL.

9. A TRACT OF LAND LOCATED IN THE SOUTH HALF OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

10. THE EXISTING HOUSE; THENCE S. 89˚37'18" W. ALONG SAID LINE A DISTANCE OF 1050.57 FEET TO A POINT WHERE THE NORTH ONE-HALF SOUTHEAST QUARTER, A DISTANCE OF 207.94 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

11. A TRACT OF LAND LOCATED IN THE SOUTH HALFWAY SOUTHEAST QUARTER, SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

12. A TRACT OF LAND LOCATED IN THE SOUTH HALFWAY SOUTHEAST QUARTER, SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

13. A TRACT OF LAND LOCATED IN THE SOUTH HALFWAY SOUTHEAST QUARTER, SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.
EXHIBIT D
MINING PLAN
Revised 6/8/2020
EXHIBIT D

Mining Plan

The proposed amended Mined Land Reclamation Board (MLRB) Tucson South Resource permit area is approximately 1.5 miles south of the Aggregate Industries Wattenberg Lakes Mine (M-2004-051), which supplies aggregate construction materials to much of southern Weld and western Adams counties. The amended Tucson South Resource Permit Boundary contains substantiated aggregate resources to continue the supply in this region of Colorado. Supplementing resources at the Wattenberg operation, new supplies from the amended Tucson South Resource will continue to provide construction materials to meet the Front Range Colorado demand.

Introduction and Overview

The amended Tucson South Resource permit area is currently owned by Aggregate Industries-WCR Inc. and the City of Aurora and consists of dryland agriculture, a small, partially reclaimed gravel resource and a former greenhouse growing operation and water utility infrastructure including an above ground tank and auxiliary building. The property is located both north and south of Colorado Highway 7, bisected by Tucson Street.

Mining of the Tucson South Resource is proposed to happen in two phases. The West Area (Phase 1) is located north of Colorado Highway 7 and west of Tucson Street, and the East Area (Phase 2) is located north of Colorado Highway 7 and east of Tucson Street.

In general, drainage on the site flows toward the South Platte River to the north and east of the property. The drainage pattern in the West Area either flows to local low spots on the property, is conveyed off-site to the north, or is conveyed via an irrigation return ditch to the East Area. The East cell generally drains north and east to the river via overland flow or through existing channels and ditches left by historic disturbance.

With this project the Permit Boundary and the Affected Lands are different areas, as explained below.

Permit Boundary Area

The proposed Permit Boundary contains the following areas as shown on Exhibit C-1 and Exhibit F-1:

- Tracts of land owned by Aggregate Industries-WCR, Inc. referred to on our mapping as Tracts A, B, D, E, F, H, and M.
- Tracts of land owned by the City of Aurora referred to on our mapping as Tracts C, G and K.
- Tucson Street right-of-way referred to on our maps as Tract L.
- Land owned by the City of Thornton referred to on our maps as Tract J. The applicant is working with the landowner to obtain a right-of-way easement for a conveyor on this tract.
Affected Land

The Affected Land includes all Tracts described in the Permit Boundary except Tract K, which is owned by the City of Aurora. This area is located west of and including the Brighton Ditch and will not be disturbed by the mining activities and reclamation operations. Therefore, it was excluded from the Affected Land. Aggregate had previously planned to mine a Phase 3 South Cell. This area has been removed from the permit boundary.

Existing Land Uses

The proposed Tucson South Resource mine currently consists of dryland agriculture, one house and a former greenhouse growing operation. The former greenhouse growing operation is currently being demolished by the City of Aurora in preparation of mining. Aggregate Industries is currently renting the existing house and they have given the renters notice to vacate the property by March 31, 2019. The Todd Creek water well and associated United Power overhead electric line on the west side of the West area will also be removed. Aggregate Industries purchased the Todd Creek water well parcel and entered into an agreement to relocate the well to an area adjacent to the river. The relocated well is shown on Exhibit C-3. The applicant has contacted United Power regarding removal of the existing electric service and will forward the documentation regarding removal of the service line upon receipt. There is one rural residential property located adjacent to property on Tucson Street, several rural residential properties south of Tract H and Highway 7 and east of Tract I, and there is a developing residential subdivision located west of Track K. The South Platte River corridor receives recreational use and the City of Brighton operates a parks and wildlife recreational area north of Highway 7 and east of Tract H along the west side of the South Platte River.

Improvements owned by the applicant or property owners that are located within the Permit Boundary Area such as un-improved roads, fences, alluvial water wells and associated pumps, houses and outbuildings, irrigation ditches and laterals, may be removed or relocated during mining and reclamation. There are two established oil and gas wells and associated facilities located on the property. The operator of the well has notified Aggregate Industries that the wells will be capped and abandoned in 2019. No mining will take place within 75’ of the existing oil and gas wells until the wells are plugged and abandoned per Colorado Oil and Gas Conservation Commission standards. Structures, easements, or rights-of-ways not owned by the applicant or property owner will not be disturbed without prior permission (see Exhibit C Pre-Mining Maps). None of the easements, rights-of-ways, or associated structures are expected to be negatively affected by mining or reclamation operations.

Nature of Deposit to be Mined

Test borings indicate a layer of topsoil and overburden ranging from 1 to 11 feet in depth with a typical overburden depth of 5 feet. The typical depth of topsoil to be removed is 6”. In the western part of the site, the topsoil has been tilled until recently and likely contains a significant amount of organics. The overburden is underlain by an aggregate layer with a thickness ranging from 0 to 46 feet with a typical thickness of 25 feet. In some parts of the sites, the aggregate layer contains a 2- to 9-foot thick mud lens. The total depth to bedrock from the surface grade ranges from 5 feet in the west to approximately 50 feet in an apparent paleochannel in the eastern part of the site. The typical depth to bedrock is approximately 27 feet over most of the mine area. The aggregate layer overlies sedimentary bedrock of the Denver Basin.

A complete soils report is attached in Exhibit I herein for reference.
Mine Phasing

Aggregate Industries anticipates mining and reclaiming the proposed Tucson South Resource site in approximately 5 to 8 years. The rate of mining and overall life of the mine is dependent on several factors including product demand and operational needs. Test pits have verified that commercial deposits of sand and gravel exist up to 50 feet below the surface of the ground. In addition to the commercial sand and gravel materials, clay, silt, and other non-marketable materials excavated from the proposed permit area will be used on-site for reclamation.

The mining plan currently includes mining in two phases. Mining may occur simultaneously in more than one phase. The actual sequence may change depending on market conditions, operational needs, or site conditions:

- West Area (Phase 1), is located north of Highway 7 and west of Tucson Street and included Tracts A, B and C
- East Area (Phase 2) is north of Highway 7 and east of Tucson Street and includes Tracts D, E, F, G and H

Tract J will contain the conveyor to carry product off-site to the processing facility at the Wattenberg Lakes Site and will be used during all mining phases.

Mining will begin in the West Area (Phase 1). Once mining is complete in the West Area, mining will commence in the East Area (Phase 2). All necessary permits will be obtained, and any required special construction techniques will be used prior to disturbance in any jurisdictional Waters of the U.S. A summary of mining phases is presented in the table below.

Processing and sale of the material will occur on the Platte Valley site (M-1989-120). Overburden from the West and East Areas will be used to reclaim the cells. If there is excess overburden material, the material will be conveyed to the Platte Valley site and Wattenberg Lakes site for reclamation.

A slurry wall will be constructed around the East and West Areas prior to exposure of the water table. The final design of the slurry wall is pending and will be provided to the DRMS prior to exposing the water table.

Mine Phasing Summary

<table>
<thead>
<tr>
<th>Mine Phase</th>
<th>Total Acreage To be mined (acres)</th>
<th>Duration (years)</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>72.0</td>
<td>4</td>
</tr>
<tr>
<td>East</td>
<td>83.8</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>155.8</strong></td>
<td><strong>8</strong></td>
</tr>
</tbody>
</table>

Mining Methods

There may be two methods of mining used within the permit boundary:
The slurry wall liner for the West and East Areas will likely be installed prior to exposure of ground water in the site. Once the slurry wall is installed the West and East Areas will be dewatered. The deposit will be dry mined using dewatering trenches and pumps within the slurry lined area. Prior to excavation of each mining phase, trenches will be cut along the perimeter of the excavation to begin dewatering the sand and gravel material. The trenches will extend through the overburden and alluvium to bedrock. Pumps will be used to remove the groundwater that drains from the deposit within the lined excavation. If necessary, water from the trenches will be circulated through a settling pond prior to being discharged to adjacent drainage ditches and/or the South Platte River (see Exhibit C - Mining Maps). As excavation begins, the mining cell and dewatering trenches on the floor will continue to collect any water entering the lined Areas, keeping the deposit material relatively dry. The collected water will be directed to settling ponds within the Areas or near the final discharge point to South Platte River. It is anticipated that dewatering will be completed within the slurry wall lined mining area within 12 months and dewatering throughout the life of the mine will be limited to precipitation, stormwater runoff that drains into the mining area, and minor amounts of groundwater.

If the slurry wall liners cannot be installed prior to mining in the West and East Areas, the cells will be mined using dewatering trenches as described above. However, in this scenario, dewatering will continue until the slurry wall liners can be installed.

Earth Moving

Setbacks from the top of slope of each area to the proposed permit boundary or man-made structures not owned by the applicant or by agreement with the structure owner will generally be 30 feet or greater. Specific setbacks from Highway 7 and Tucson Street also account for future expansion of the roadways. The perimeter setbacks from the structures are shown on Exhibit C - Mining Maps.

These setbacks were determined in combination with Adams County regulations and the Slope Stability Analysis prepared by Tetra Tech provided herein in the Geotechnical Stability Exhibit. The setbacks reflect the Factors of Safety in the Proposed Slope Stability/Geotechnical Analysis Policy in the DRMS memorandum dated May 16, 2018.

Areas to be mined will be prepared by removal of topsoil and overburden. Each preparation area may be as much as 100 feet wide along the anticipated mining face. Usually, only enough area is stripped and prepared to provide the estimated needs for the next 10 to 14 months of mining. Surface topsoil material will be stripped separate from the underlying, deeper subsoil or overburden material. This topsoil layer contains most of the soils organic matter and will be stockpiled separately for use in reclamation. Once the topsoil has been removed, the rest of the overburden will be stripped and stockpiled separate from the topsoil.

When the alluvial material is exposed and sufficiently dewatered, the aggregate material will be recovered using equipment typical for sand and gravel mining operations. In the West and East Areas, the aggregates will be mined using conventional dry mining methods. Earth moving equipment may include, but is not limited to, dozers, loaders, scrapers, and excavators as mining progresses to a depth of 20 to 50 feet below the surface. The alluvial material is an unconsolidated deposit and, therefore, no blasting is required. The aggregate material from the Areas will be temporarily stockpiled within the various Areas, conveyed to the staging area, or immediately transported off-site for processing. During mining and reclamation activities, watering trucks for dust control will be used as needed.

The active mining face will extend no more than 1,500 feet in length. During mining and prior to reclamation in the West and
East Areas, the mine walls will be a nearly vertical to $\frac{1}{2}$H:1V slope (see Exhibit C, Mining Maps). Mining will progress down to the depth of quality aggregate material. Backfilling and/or grading of side slopes may follow behind the mining activities before mining in the Area is complete. Concurrent reclamation will be practiced when the highwall reaches the mine limit. During the flood season April 1 through September 30 and when the highwall is within 400 feet or less of the river the highwall will be no steeper than 3H:1V.

As mining progresses, topsoil, overburden, and non-marketable materials will be removed and stockpiled for use in reclamation activities. Overburden from the West Area and East Areas will be used in reclamation. Should there be excess overburden on these cells, the material will be conveyed to the Platte Valley site for reclamation or to be sold. During mining in the West and East Areas, topsoil will be segregated and stockpiled in the locations shown on Exhibit C Mining Maps, i.e. outside of the Floodway. As mining progresses, overburden will be taken directly to mined out slopes for use in reclamation. Topsoil and overburden stockpiles will be configured to have side-slopes no steeper than 3H:1V. If the stockpiles are inactive for more than one growing season, such as the stockpiles used for screening, they will be seeded with the fast-growing grass seed mixture below.

**Stockpile Grass Seed Mixture**

<table>
<thead>
<tr>
<th>Grass Species</th>
<th>Rate (#PLS/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luna Pubescent Wheatgrass</td>
<td>15.0</td>
</tr>
<tr>
<td>Amur Intermediate Wheatgrass</td>
<td>15.0</td>
</tr>
</tbody>
</table>

Rates are for broadcast seeding.

Other than those used for screening, long-term stockpiles are not anticipated. Temporary stockpile materials will continually be used for reclamation and the stockpiles will likely be disturbed on a frequent basis and seeding the stockpiles may not be practical during the operation. If stockpile seeding is not used, surface roughening will be maintained to limit wind and water erosion.

Most of the proposed Tucson South Resource Permit Boundary Area is within the regulatory floodplain of South Platte River. Because of floodplain regulatory restrictions, stockpiling will occur within a mining Area whenever possible with the top of stockpile elevation lower than the pre-project grade. Stockpiles within the modeled floodplain above the existing ground surface will generally be created parallel to potential South Platte River flood flows. The stockpiles will be no longer than 300 feet, with minimum spacing of 100 feet between stockpiles for flood flows to pass (see Exhibit C, Mining Maps). The screening stockpiles along Highway 7 as indicated by modeling, are located in areas where placement is not expected to impact floodplain water surface elevations. Consequently, there is no restriction on length or orientation. The impacts of stockpiles on floodplain water surface elevations is presented in the Floodplain Use Permit application submitted to Adams County in support of the County Special Use Permit application.

Additional mining and reclamation procedures will be used within the regulatory floodplain to mitigate impacts from potential flood flows. Flood season is considered to be April 1 through September 30. The southern and eastern slopes of each area will either be maintained at 3H:1V during the flood season during mining or concurrently reclaimed at 3H:1V with reclamation backfill. This restriction only applies for areas within 400 feet of the South Platte River in accordance with DRMS policy. If flood waters reach the mining Areas prior to complete reclamation, the
3H:1V slopes will allow controlled flow into the Areas while reducing the potential for head cutting and capture of the South Platte River.

A Floodplain Use Application is being prepared and will be submitted to Adams County for this project. Adams County is the regulating authority on the flood permit; however, Adams County may request review and comment from Urban Drainage and Flood Control District (UD&FCD). Comments and revisions from the County or the UDFCD will be incorporated into the final Floodplain Use Permit.

The table below illustrates a point in time when the mining disturbance could be at its maximum. At the proposed Tucson South Resource site, it is assumed that the mining disturbance will be at its greatest when the East Area mining is nearly complete. That will be a time when the slurry wall is installed and, topsoil replacement and initial seeding will be completed for the West Area.

Reclamation Activities

<table>
<thead>
<tr>
<th>Mining Operation</th>
<th>Disturbed Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Active Mining Area:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Backfill remaining East Cell mining face and side slopes (2,300 feet in length averaging 27 feet deep requiring backfill and rough grading to 3H:1V slopes.)</td>
<td></td>
</tr>
<tr>
<td>2. Rough Grade remaining disturbed areas of the east cell</td>
<td></td>
</tr>
<tr>
<td>3. Replace topsoil on backfilled area of East cell above the HWL of the reservoir (61.5 acres)</td>
<td></td>
</tr>
<tr>
<td>4. Final Grade East Cell</td>
<td></td>
</tr>
<tr>
<td><strong>Miscellaneous Disturbed Areas (Stockpiles, Haul Roads, Conveyor route)</strong></td>
<td></td>
</tr>
<tr>
<td>1. Replace topsoil on internal haul roads and main site entrance (3 acres x 0.5')</td>
<td></td>
</tr>
<tr>
<td>2. Replace topsoil on conveyor route (3.3 acres x 0.5')</td>
<td></td>
</tr>
<tr>
<td>3. Replace topsoil on stockpile area (5 acres x 0.5')</td>
<td></td>
</tr>
<tr>
<td>4. Scarify internal haul roads and conveyor route areas</td>
<td></td>
</tr>
<tr>
<td>5. Final grade all miscellaneous areas (8.3 acres x 0.5')</td>
<td></td>
</tr>
<tr>
<td>6. Reseed 20% of all areas in the area of disturbance above the HWL of the reservoirs.</td>
<td></td>
</tr>
<tr>
<td><strong>Final Reclamation:</strong></td>
<td></td>
</tr>
<tr>
<td>1. Seeding – entire East Area above the highwater line of the reservoir plus internal haul route and the conveyor route.</td>
<td></td>
</tr>
<tr>
<td>2. Weed management and re-seeding (20% of the Affected Lands located above the highwater line of the reservoirs)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Disturbed Area</strong></td>
<td><strong>83.8</strong></td>
</tr>
</tbody>
</table>
Diversions and Impoundments

Roads and irrigation ditches will effectively minimize stormwater surface run-on to the mining site, so run-on diversion structures are not anticipated. During the initial mining activities, stockpiling of topsoil and overburden on the surface is anticipated. Diversionary channels, as shown on Exhibit C, will be used divert surface runoff from leaving each of the Areas or entering the wetlands areas. Surface diversion channels will convey runoff to settling ponds, prior to discharging to the South Platte River. As mining progresses and the excavation increases in size, diversionary channels will convey less runoff because more runoff will enter the mine excavations. Runoff that collects in the excavations will be conveyed by the dewatering trenches to a common point, where it will be pumped to the river after sediment settling has occurred, if necessary.

Material Processing and Associated Facilities

Pit run material will be hauled or conveyed off-site to the Wattenberg Lakes site (M-2004-051) to be conveyed for processing at the Platte Valley site (M-1989-120).

Commodities to be Mined and Intended Use

Sand and gravel for use as construction materials will be the primary products produced from the proposed Tucson South Resource. Test pits have verified that commercial deposits of sand and gravel exist up to 50 feet below the surface of the ground. In addition to the commercial sand and gravel materials, topsoil and overburden materials will be used on-site for reclamation.

Use of Explosives

The material is unconsolidated deposits, no explosives or blasting are required.

Wetlands

Tetra Tech also prepared the Tucson South Sand and Gravel Mine Project—Adams County, Colorado Wetland Delineation Report dated February 2019. A copy of the report is included in Exhibit J.

A buffer zone has been added to the Exhibit C maps around all the delineated features within the mining excavation limits. The buffer width is proportional to the planned depth of mining surrounding the delineated features. Note 16 has been added to Exhibit C-1 to state that wetlands buffer shall not be disturbed until USACE authorization has been obtained.
EXHIBIT E

RECLAMATION PLAN

Revised 6/8/2020
EXHIBIT E

Reclamation Plan
This plan for the proposed Tucson South Resource site includes the two different mining areas (West and East). Reclamation activities have been coordinated with the property owners and are intended to meet the proposed final land use.

Aggregate Industries (AI) has set forth measures that will be taken to meet performance standards for the following requirements:

(1) Grading shall be completed to create a final topography appropriate to the final land use selected in the Reclamation Plan.

(2) Overburden and waste materials will be placed in the mined area and to ensure adequate compaction for stability and to prevent leaching of toxic or acid-forming materials.

(3) All grading will be done in a manner to control erosion and siltation of the affected lands, to protect areas outside the affected land from slides and other damage.

(4) All backfilling and grading will be completed as soon as feasible after the mining process. AI has established reasonable timetables consistent with good mining and reclamation procedures.

(5) There is no anticipated refuse, acid-forming or toxic producing materials associated with this site.

(6) Any drill or auger holes that are part of the mining operation will be plugged with non-combustible material, which shall prevent harmful or polluting drainage. There are no adits or shafts associated with this site.

(7) Maximum slopes and slope combinations will be compatible with the configuration of surrounding conditions and selected land use. In all cases where a lake or pond is produced as a portion of the Reclamation Plan, all slopes, shall be no steeper than a ratio of 3:1 (horizontal to vertical ratio). There is no swimming associated with the end use of this property.

(8) Future agricultural use is not anticipated on this site. However, the upland meadow in the East cells will be graded to allow for access to maintain the area.

(9) AI may backfill material generated within the MLRB permitted area into an excavated pit within the permit area. AI may import inert structural fill material onto the site for backfill. Prior to import of inert structural fill generated outside of the approved permit area, AI will provide DRMS with notice of any proposed backfill activity not identified in the approved Reclamation Plan. AI will maintain a Financial Warranty at all times, adequate to cover the cost to stabilize and cover any exposed backfilled material. The Notice to DRMS shall include, but is not limited to:

(a) a narrative that describes the approximate location of the proposed activity;
(b) the approximate volume of inert material to be backfilled;
(c) a signed affidavit certifying that the material is clean and inert, as defined in Rule 1.1(20);
(d) the approximate dates the proposed activity will commence and end, however, such dates shall not be an enforceable condition;
(e) an explanation of how the backfilled site will result in a post-mining configuration that is compatible with the approved post-mining land use; and
(f) a general engineering plan stating how the material will be placed and stabilized in a manner to avoid unacceptable settling and voids.
All mined material to be disposed of within the affected area will be handled in such a manner to prevent any unauthorized release of pollutants to the surface drainage system.

No unauthorized release of pollutants to groundwater shall occur from any materials mined, handled or disposed of within the permit area.

More specific information regarding how AI will comply with the performance standards is outlined below.

Final Proposed Land Use
The current land use for the Tucson South Resource property is a combination of partially reclaimed mining area, dryland agriculture, upland meadow and a City of Aurora water facility. The City of Aurora water facility (located outside the Affected Lands, west of the Brighton Ditch) will be removed from the Permit Boundary at a future date and continue to operate. The proposed final land use for the remainder of the property is lined municipal water storage for the West cell and the majority of the East cell, upland meadow on the northern portion of the East cell. Surrounding land uses include: Water storage to the north, rural residential and agriculture to the south, Town of Brighton wildlife conservation area and the South Platte River to the east and water storage and suburban residential to the west. The lined storage and upland meadow are compatible with existing and future adjacent land uses. This property lies within the City of Brighton Urban Growth area and is designated as natural resource conservation and flood plain on the 2016 Future Land Use Map.

General Overview of the Reclamation Plan
Types of Reclamation acres
Reclamation of the proposed permit area will contain two land forms; uplands and lined, open water reservoirs. Cottonwoods and shrubs will be planted along the South Platte River on the eastern side of the east cell. Timing and installation of the plantings will be coordinated with the Urban Drainage and Flood Control District. It is anticipated that these plantings will be installed prior to mining in the East cell and will be established as part of the concurrent reclamation of the site. The primary reclamation process will be backfilling the slopes of the mined-out areas to be reclaimed as reservoirs and backfill of the partially reclaimed area on the northern end of the East cell to create an upland meadow. Overburden, and non-marketable materials from the site will be used as backfill. If excess overburden and non-marketable materials exists, the material will be conveyed to Wattenberg Lakes site (M2004-051) for reclamation. As mined out cells are backfilled, rough grading will establish the slopes and elevations necessary to facilitate the appropriate land form for that specific area of the site. In upland areas backfill materials will be placed to an elevation near or below the pre-mining surface elevation. For areas where reservoirs are to be located, backfill will be used to create pond side slopes. Pond depth may extend all the way to bedrock and side slopes will be 3H:1V or flatter.

Except for pond slopes below normal average highwater surface elevation, all areas disturbed by mining activities will be prepared with topsoil to a minimum of 6 to 12 inches and revegetated during reclamation. Revegetation will generate a blend of upland grass species. Given suitable precipitation, seeding should produce good vegetation cover over much of the reclaimed site. Roads not necessary for future access and other disturbed areas will be reclaimed with topsoil and overburden replacement and vegetative cover to stabilize the areas and minimize erosion.

Reclamation Measures/Materials Handling
All available topsoil and overburden material will be used for backfilling and reclamation. Earth moving equipment may include, but is not limited to dozers, loaders, scrapers, and excavators. Additional farm equipment for grading and seeding may be used for revegetation activities.
The site will be concurrently reclaimed to create the water storage reservoirs. Compaction for the reservoir side slopes at this site will be 95 percent (or better) standard proctor. When an area is completely mined out from grade to bedrock, each section approximately 800-foot-wide (or approximately 30 acres), will begin side slope construction while the next contiguous area or consecutive phase is beginning mining. Due to the floodway, there is limited space for stockpile placement at this site; by concurrently reclaiming, as an area is being prepared for mining, the overburden and topsoil can be stripped and immediately placed, or stockpiled in the previously mined area, limiting the material handling. It is estimated that within 6 months of an area being completely mined, it will be reclaimed.

Backfilling of mining cells and other reclamation activities will be concurrent with mining. Topsoil, overburden, and non-marketable material excavated during mining will be used almost immediately. Small temporary stockpiles may be created within or along the edge of the mining cells. When enough material is available in the stockpile, the material will be graded into the previously mined areas. Locations of topsoil and overburden stockpiles are shown on Exhibit C Mining Maps.

Material may be imported for reclamation if on-site material is insufficient to create the reclaimed pond slopes. Prior to receiving any backfill material from outside the proposed permit area, the operator will provide notice with information that includes the backfill location and volume of off-site material to be used, an affidavit certifying that the material is clean and inert, an approximate time frame for backfilling with off-site material, and an update regarding material placement procedures and the final reclamation configuration. The on-site or off-site backfill material used will not contain known toxic or hazardous materials.

All backfilling and grading will be done to stabilize the material and control erosion. Final grading and seeding will be done as soon as possible after backfilling, grading, and topsoiling have been completed. The reclamation will not leave high walls on the property. In addition, there will be no auger holes, excavations, or shafts left on the property.

Materials Handling - Grading

Once backfill is placed to the approximate final grade for upland meadow or pond side slope creation, the area will be rough graded to establish final elevations, slopes, and transitions. Final grading will include addition of topsoil and surface preparation for revegetation. Special attention shall be given to transitions from reclaimed areas to undisturbed land. The final topography will not create new surface drainage directed onto adjacent properties.

Reservoir side slopes will include the steepest reclaimed grades on the site, potentially as steep as 3H:1V. The side slopes will be graded smooth to accommodate future maintenance of the lined reservoirs. The reclamation will not leave high walls on the property.

Materials Handling - Slurry Wall

The proposed slurry wall will provide a vertical low permeable cutoff between alluvial groundwater outside of mining cells and water stored below-grade inside of mining cells. Slurry walls (also known as slurry cutoff walls or slurry trenches) are non-structural liners constructed to provide a primary low permeability liner and isolate a mining cell from the existing alluvial aquifer. Soil-bentonite slurry walls are a very common type of liner constructed in Colorado. Construction of a soil-bentonite slurry wall liner is planned at the Tucson South Resource. Once the liners are
constructed and meet an SEO required 90-day minimum leak test, lined water storage reservoirs located north of State Highway 7 will be available for use. Draft Technical Specifications dated July 2004 for the construction of soil-bentonite slurry wall liners at Tucson South in Adams County Colorado were prepared by Tetra Tech RMC and submitted to the Division for review. These specifications are a “placeholder” and are on record with the Division as part of the existing permit for this property. Aggregate Industries has contracted with Deere and Ault Consultants, Inc. to provide a final design of a soil-bentonite slurry wall liner for Tucson South.

The slurry wall will be constructed with a long reach excavator, clamshell, or other suitable trenching equipment. A trench approximately 3 to 5 feet wide and 100 to 150 feet in length will be excavated through the existing alluvium and several feet into the underlying shale bedrock. The total slurry wall depth varies from top to bottom based on the existing geology but will average 30 feet deep for this project. The trench will be flooded with fresh bentonite slurry to stabilize the excavation during construction of the slurry wall. A mixture of alluvium excavated from the trench, dry bentonite, and clayey supplemental fines will be mixed at the surface and placed into the trench in a semi-fluid state typically with a bulldozer and/or second excavator. The slurry in the trench is displaced by the soil-bentonite backfill as the excavation of the trench is advanced. Once the excavation of the trench followed by the backfill operation is complete, the soil-bentonite backfill consolidates and behaves as a soft clayey soil. The top of the slurry wall is typically capped with a few feet of clayey soils to speed up the primary consolidation, identify the approximate location of the slurry wall, and provide clayey soils to fill depressions due to the consolidation of the slurry wall.

Other considerations required for successful construction of a soil-bentonite slurry wall include a stable, relatively flat gently sloping (i.e. less than 2 percent parallel to the wall) construction platform along the proposed slurry wall alignment. Construction of the construction platform along the slurry wall alignment is primarily on stable, native soils found at the site and should not present a challenge for construction equipment. There are narrow areas proposed for the construction platform at this site. However, the narrow areas are relatively short and soil-bentonite slurry wall construction activities should not be greatly affected by these sections. Once soil-bentonite slurry wall construction is complete, the construction platform will be final graded for stability and an operations and maintenance access route will be left in place. The route will be regraded and stabilized as a low traffic dirt road.

Gravel Pit Lining Criteria
Gravel pit liners are designed with the goal of meeting the leakage requirements outlined in the State of Colorado's document entitled “State Engineer Guidelines for Lining Criteria of Gravel Pits,” August 1999. As described in the guidelines, the intent of the soil-bentonite slurry wall design is to reduce the groundwater inflow (leakage rate) into the lined below-grade mining cell to at or below the Design Standard. The Design Standard is defined in the guidelines as the leakage rate that is not greater than 0.03 ft/day (1 x 10-5 cm/sec) multiplied by the curtain area of the soil-bentonite slurry wall (i.e. the length of the perimeter wall in feet multiplied by the average vertical depth of the wall as measured from the ground surface to the mine cell floor along the toe of the cell side slope), plus 0.0015 ft/day (5 x 10-7 cm/sec) multiplied by the area of the floor encompassed by the soil-bentonite liner. The guidelines allow for a liner to meet a performance standard which is three time the Design Standard and operate as a lined water storage cell. Monitoring and release requirements are increased from monthly reporting to weekly reporting for liners that meet the Performance Standard. At the completion of construction, the liner is subjected to a minimum 90-day leak test as described in the guidelines.

Topsoil and Revegetation
Revegetation will only include grass seeding of disturbed areas. No tree or shrub planting is planned around the perimeter of the reservoirs. Where required, topsoil will be replaced to a depth of 6 to 12 inches. Topsoil will be placed after backfilling and rough grading is completed. As an area is reclaimed, runoff or excess water from adjacent areas will not be allowed to flow over slopes being graded and seeded. If needed, berms or channels will be constructed to divert excess water and dispose of it in a safe and non-erosive manner.
Seeding of disturbed areas will be done as areas are finished with preparation including grading and topsoil spreading. Seeding will be most successful if done between mid-November and the end of April. Seeding can be performed in May if necessary, but after May it is not advisable to plant. Seeding before November is not advised as the potential for a warm growth environment and early germination would likely result in a major failure of the revegetation and require reseeding.

Fertilizer may be applied to re-soiled areas in a manner that will encourage emergence and survival of the grasses without encouraging competition from weeds. Starter fertilizer can be applied before, or at the time of, seeding. If necessary, full fertilization will be applied after emergence. Fertilizer mixtures will be based upon soil tests made on samples taken from re-soiled areas prior to seeding.

If a significant invasion of noxious weeds occurs after seeding, the weeds will be mowed before they can go to seed. The areas will be mowed periodically for additional control as needed. Mechanical control will be used as a first priority. Chemical methods will only be used if no other alternative produces acceptable results.

Periodic inspection for noxious weeds, at least once a year early in the season, will be done. The weed inspection will search for not only the expected species but also any new List A or List B species introductions. It is likely that non-noxious and List C species will also be found. Non-noxious weeds, which are often native invaders, do not need to be controlled, but if the population of a List C species is controllable then it will be included in the control program. List C noxious species are problematic but are usually not as serious as List B species.

Specific information regarding weeds is included in the Biological Resource Inventory included with Exhibit H. Aggregate Industries utilizes an integrated weed management protocol to manage weeds on their active mining sites this protocol includes:

1. **Management Objective**
   Manage noxious weeds and plant pests within the permit area.

2. **Weed Species to be Controlled**
   Aggregate Industries - WCR, Inc. (AI) will control those plant species identified by current State statute or regulation as noxious. Plant pests are defined as those biological species that significantly predate the desirable vegetation of the project site.

3. **Weed Management Actions**
   - **Monitoring**
     The presence of noxious weeds and plant pests will be monitored annually, at which time weed control efforts will be reviewed and specific management measures adjusted as necessary. Management measures will be undertaken where a single or combination of noxious weed species or plant pests comprises or shows a deleterious effect to the live vegetation cover in the mitigation area as determined by observations of a revegetation or weed control specialist.

   - **Control Measures**
     AI will contract with a licensed herbicide applicator/weed management specialist to implement the weed management plan. Noxious weeds or plant pests may be controlled by any combination of cultural, mechanical, biological, or chemical measures. Weed control measures will be developed specifically for the noxious weed species encountered and in consultation with Adams County, local weed control district and/or the Colorado State Department of Agriculture as necessary. Topsoil slated for removal from the site will be treated with a long-term residual pre-emergent or post-emergent herbicide to reduce noxious weeds prior to removal. AI will conduct an aggressive mowing program the first year following revegetation, withholding herbicide use until the following year to avoid
damaging new seedlings. Herbicides will be applied by a licensed commercial applicator. Stockpiles that remain undisturbed for more than one season will be seeded with a temporary cover crop. Where noxious weed control measures cause disturbance to the remaining vegetation, seeding or planting of desirable replacement vegetation will occur during the first normal planting or seeding season after weed control measures have been implemented and deemed successful.

- **Contact Person(s)**
  During mining, the Operations Manager at the site will be the contact person for weed control. When mining is completed, the weed control contact person will be Aggregate Industries’ operations staff at the corporate office in Golden, Colorado. Aggregate Industries will be responsible for weed control until the site is released by DRMS. At that time, responsibility for weed control will transfer to the land owner.

The grass seed mix, composed of a long lasting and regenerating native upland seed mixture, will be used in upland areas where no future irrigated agriculture or other development is anticipated. The native open space seed mix recommendation is presented below.

<table>
<thead>
<tr>
<th>Upland Meadow Grass Seed</th>
<th>Scientific Name</th>
<th>Variety</th>
<th>% of Mix</th>
<th>Application Rate* (#PLS/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Bluestem</td>
<td>Andropogon gerardii</td>
<td>Kaw</td>
<td>15%</td>
<td>1.7</td>
</tr>
<tr>
<td>Blue Grama</td>
<td>Bouteloua gracilis</td>
<td>Hachita, Lovington</td>
<td>10%</td>
<td>0.3</td>
</tr>
<tr>
<td>Green Needlegrass</td>
<td>Nassella viridula</td>
<td>Lodom</td>
<td>15%</td>
<td>1.5</td>
</tr>
<tr>
<td>Sideoats Grama</td>
<td>Bouteloua curtipendula</td>
<td>Vaughn, Butte</td>
<td>10%</td>
<td>1.0</td>
</tr>
<tr>
<td>Switchgrass</td>
<td>Panicium virgatum</td>
<td>Blackwell</td>
<td>20%</td>
<td>2.0</td>
</tr>
<tr>
<td>Western Wheatgrass</td>
<td>Pascopyrum smithii</td>
<td>Arriba, Barton</td>
<td>30%</td>
<td>4.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>11.3</strong></td>
</tr>
</tbody>
</table>

*Application rate is for drill seeding. If seed is to be broadcast, the application rate will be doubled.

Temporary Stockpile Vegetation:
- Luna Pubescent Wheatgrass – 15 lb./ac
- Amur Intermediate Wheatgrass – 15 lb./ac

Upland grass seed will be planted with a drill equipped with depth bands and press wheels. The seeded area will then be covered with certified weed-less straw mulch at a rate of 2,000 pounds per acre. The straw will be crimped into the soil to control erosion until the grass becomes established. Drill seeding is the preferred method for revegetation. If broadcast seeding is necessary on moist soils, steep slopes, or in excessively rocky areas, success can be encouraged by broadcasting onto growth medium that is very loose. If the seed is broadcast in those circumstances, then the seeded area will be dragged to help bury the seed.

**Wildlife**
Current wildlife conditions and potential impacts are described in Exhibit H, Wildlife Information.

**Water – General Requirement**
To minimize the effect on the prevailing hydrologic balance, the operator shall:
  a. Comply with all applicable Colorado water laws.
  b. Comply with all applicable Federal and State water quality laws and regulations.
  c. Comply with all Federal and State requirements for dredge and fill.
  d. Perform all work to minimize erosion and sediment transport.
Current water resource conditions and potential surface water and groundwater impacts are described in Exhibit G, Water Information.

**Groundwater – Specific Requirements**

Current water use on the proposed Tucson South Resource site consists of a permitted well field along the eastern portion of the site, adjacent to the South Platte River (owned and operated by the Todd Creek Metropolitan District) and limited depletions from existing wetlands on the site. The well permit for the gravel mining operation is also in place. Copies of the well permit and well completion report are included in Exhibit G, Water Information.

This site is included in Aggregate Industries Substitute Water Supply Plan (SWSP) for the South Platte River. Specific information regarding water resources is included in Exhibit G. This plan will cover water removed from the site with the material during mining. Once the site is reclaimed there will be no ongoing depletions associated with the property. The West and East cells will be reclaimed to lined water storage reservoirs.

Tucson South Resource Groundwater Modeling Study on the hydrogeologic effects of Mining, prepared by Tetra Tech RMC dated August 2004 is attached herein for reference. A groundwater monitoring and mitigation plan was submitted to the Division as part of an adequacy response to Mr. Larry Oehler dated November 22, 2004 (pages 17-19). The plan was reviewed and approved by the Division as part of the original permit for the site. A copy of the approved plan is attached herein for reference in Exhibit G. Aggregate Industries obtained a well permit for the site in 2017 and filed the well completion report with the Colorado Division of Water Resources in 2018. A copy of the well permit and well completion report are also included in Exhibit G.

The mining and reclamation operation will not affect groundwater quality on or off the site. The operation will comply with State groundwater quality standards. Due to the absence of significant sources of potential pollutants, groundwater quality monitoring is not required in this operation.

**Buildings and Structures**

No buildings or structures associated with mining activities will be left in the proposed permit area following reclamation.

**Signs and Markers**

Permit notification signs will be placed and maintained at the entrance to the operation. The permit boundary will be identified where it is not already identified by fences or suitable markers. All signs and markers will be removed upon permit release.
EXHIBIT G

Water Information

The information in this Section is intended to satisfy the requirements outlined in Section 6.4.7 of the Colorado Mined Land Reclamation Board's Construction Material Rules and Regulations.

1. If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.
This site is directly adjacent to the Brantner Ditch, Brighton Ditch, Brighton Return Ditch, and the South Platte River. The Brantner Ditch, the Brighton Ditch, and South Platte River will not be disturbed because of the mining and reclamation activities on the site. The Brighton Return Ditch will be utilized for the discharge of dewatering water from the South Area. This has the collateral benefit of mitigating groundwater drawdowns and associated impacts to wells south and west of the South Area.

2. If the operation is expected to directly affect surface or groundwater systems, the Operator/Applicant shall:

   (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations.

   Please see Exhibit C Pre-Mining Maps for the location of all tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations

   (b) Identify all known aquifers

   The Tucson site is underlain by two relevant aquifers:
   - the Upper Arapahoe Aquifer
   - the South Platte River Alluvial Aquifer

   (c) Submit a brief statement or plan showing how water from de-watering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.

   The slurry wall for the West and East Areas of the site will be installed at the beginning of operations. The South Area will be dewatered; hence all water will flow into the mine area. All dewatering water will be monitored under the discharge permit (see below). Consequently, contaminants of concern inside the mine cells will not impact the surrounding alluvial aquifer. The interbedded siltstone and claystone of the Arapahoe Aquifer and associated very low vertical hydraulic conductivity isolates the Arapahoe aquifer from mine operations and potential releases. Monitoring wells have been installed around the West, East and South Areas; therefore, in the unlikely event of a release, possible impacts to groundwater can be monitored.
Water from the initial dewatering operation and runoff from disturbed areas, piled material, and operating surfaces will be diverted to the settling ponds for detention and cleansing. The South Mine Area (Phase 1) will be dewatered and will not have a slurry wall; dewatering trenches will be located around the perimeter of all mining areas. Settling occurs in the trenches, and if necessary, settling ponds will be constructed at a point prior to discharge. Discharges will be directed to the South Platte River, at various points as designated within a State of Colorado, Division of Water Resources, Colorado Discharge Permit System (CDPS) permit. Monitoring of dewatering will be conducted in accordance with the CDPS discharge permit, which sets forth formal monitoring parameters including weekly visual monitoring for oil and grease. In accordance with the CDPS permit requirements, a Stormwater Management Plan (SWMP) will also be developed for this site. The SWMP identifies potential sources of pollution that may reasonably be expected to affect the quality of stormwater runoff from areas around the site and describes the implementation practices to be used to reduce the pollutants in stormwater discharges associated with the facility.

Dewatering water pumped from the South Mine Area will be discharged to the downstream end of the Brighton Return Ditch (See Exhibit C-4) near the south east end of the mine limit. The water will flow directly into the South Platte River via the Brighton Return Ditch or a parallel discharge pipeline located within the ditch easement.

Specific impacts to wells.

A search of the State of Colorado Office of the State Engineer Database of wells on June 25 indicated four wells completed in the alluvial aquifer within 600 feet of the South Area. The potential impact to those wells and mitigation measure are described below.

Bloom Wells
The Bloom’s have two wells completed in the alluvium ( Permit Numbers 262132 and 2652132-A). They are classified for domestic use at 15 gallons per minute (gpm) and are located about 200 feet south of the Brighton Return Ditch. The discharge of the dewatering water to the Brighton Return Ditch will mitigate dewatering impacts to these well.

Gary A. and Delores R. Baker
The Baker well (Permit #101310) is located near the north west corner of the South Area about 100 feet from the mine limit. It is classified as stock watering only at 15 gpm. If this well is adversely impacted AI can provide the Bakers with livestock water.

San Martin Caballero, LLC/Donald D. Stough
The San Martin Caballero LLC well (Permit # 12379 R-R) is located near the south east corner of the South Area about 100 feet from the mine limit. It is classified as irrigation for 18 acres at 350 gpm. If this well is impacted AI can drill a replacement well further from the South Area.
(3) The Operator/Applicant shall provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.

Water use at the site is governed by the current well permit (Permit No. 81342-F) and the associated Substitute Water Supply Plan (SWSP) for the site. Water use will be at its highest during the mining phase of the project. Mining at the site will intercept groundwater tributary to the South Platte River. Consumptive uses of groundwater at the site include evaporation from groundwater exposed to the atmosphere, water retained in material hauled off sites, and water used for dust control.

Evaporative losses at the site are attributable to exposed groundwater in the dewatering trenches in the West and East cells (Phases 2 and 3), in the settling ponds, the dewatering trenches will be constructed following completion of the slurry walls surrounding the West and East cells. The maximum exposed surface area during the life of the mine is equal to the combined total mined area of the South Cell (Phase 1), the dewatering trench surrounding the West cell (Phase 2), and the settling pond associated with the West cell. The maximum exposed surface area during the life of the mine is estimated at 18.5 acres. Additional exposed groundwater from the old Tucson Pit (DRMS Permit No. M-1991-140) has been incorporated into the permit boundary of the Tucson South Pit. Therefore, the maximum exposed groundwater allowed pursuant to the approved well permit is 25 acres.

Evaporative losses were calculated as the difference between gross evaporation and effective precipitation. The NOAA Technical Report NWS 33, Evaporation Atlas for the Contiguous 48 United States (U.S. Department of Commerce) was used to determine the site’s average annual gross evaporation of 43 inches. Precipitation was obtained from the Colorado Climate Center for the Brighton weather station. The gross annual precipitation for this site was determined to be 14.55 inches. Effective precipitation was calculated as 70 percent of gross precipitation; thus, the average annual effective precipitation was determined to be 10.19 inches. The maximum total annual evaporative consumptive use at the site is estimated at 68.25 acre-feet.

The maximum annual production at the site is estimated at 1.25 million tons. The anticipated maximum volume of water lost in the material hauled off-site is 60 acre-feet per year. The maximum annual operational water consumptive use due to the mining operation is estimated at 65 acre-feet per year. Maximum dust control requirements at the site are estimated at 5.0 acre-feet per year. The mine will be at the highest production during the months of May through August, and in combination with the weather, this period will require the greatest amount of dust control. The mine will be in production year-round and therefore dust control may be required during all months.

The maximum annual consumptive use from mining at the site authorized by the well permit is 133.25 acre-feet per year as shown in the following table.

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaporation</td>
<td>68.25 acre-feet</td>
</tr>
<tr>
<td>Moisture Retained in Product</td>
<td>60.00 acre-feet</td>
</tr>
<tr>
<td>Dust Control</td>
<td>5.00 acre-feet</td>
</tr>
<tr>
<td>Total</td>
<td>133.25 acre-feet</td>
</tr>
</tbody>
</table>

It is not anticipated that additional water will be required for reclamation of the site. Once reclamation is completed, the City of Aurora will use decreed water rights to fill the ponds.

(4) The Operator/Applicant shall indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.

Aggregate Industries (AI) currently maintains a substitute water supply plan approved through the Office of the State Engineer for its mining operations along the South Platte River and its tributaries. Until the liners surrounding the West and East cells of the project have been approved by the State Engineer, and the South cell has been fully...
reclaimed, replacement water will be provided pursuant to AI's Combined Substitute Supply Plan (CoSSP). The plan includes this site.

Sources of water currently in the CoSSP include historic consumptive use credits from several area irrigation ditches, water from the City of Westminster, and other water currently available to AI under existing lease agreements. Under the CoSSP, replacements are made to the South Platte River at various locations including the Metro Wastewater Treatment Plant outfall structure located upstream of the property. Transit loss associated with the replacement water sources is assumed to be 0.5 percent per mile. The following is a list of some of the sources of water currently approved by the State Engineer for use in AI's CoSSP.

1. **1998 Effluent Lease (1998 Lease) with the City of Westminster.** The 1998 Lease has been used as a replacement source for individual SSP's that have been approved in the past. This is a perpetual lease that provides 0.28 cfs of fully consumable water every day of each year and an additional 0.17 cfs of fully consumable water every day from October 15th to June 30th during each year at the outfall of the Metro Wastewater Treatment Plant. The lease provides 294.79 acre-feet annually. A small amount of this water is dedicated to the decreed augmentation plan in Case No. 07CW198; the remainder is available for use in the CoSSP.

2. **Historic Use of 62 shares of the Fulton Ditch.** This has an estimated average annual consumptive use of 116.05 acre-feet. The technique of quantifying historic use of 29 shares of Fulton Ditch water was approved for use on November 12, 1999, for the SSP and submitted to the State Engineer's Office on March 24, 1999, for the Fulton Lakes Pit. The decreed historic consumptive use is 1.75 acre-feet/share. The consumptive use credit from the Fulton Ditch shares suffices to adequately replace out-of-priority depletions and return flow obligations in the months of June through August.

3. **Annual Lease with the City of Westminster.** Pursuant to a March 4, 2010, Consumable Water Lease Agreement between AI and the City of Westminster, AI may lease up to 519 acre-feet of consumable water annually from Westminster. Deliveries of this water may be made from November 10th through March 20th. The agreement is valid through December 31, 2019.

4. **Centennial Effluent Lease.** AI has an agreement with Centennial Water and Sanitation District ("Centennial") that conveyed water rights in exchange for a lease of augmentation water. In a December 1996 agreement, AI conveyed its ownership of shares in the Nevada Ditch Company to Centennial in exchange for 30 acre-feet of consumable effluent. No explicit date of termination is set in the agreement. The rate of delivery for the 30 acre-feet cannot exceed 5 cfs. This rate allows AI to claim the total amount in a single month. Centennial agreed to deliver the water, at its discretion, at one of the following points: the mouth of Little Dry Creek; Plum Creek at the point where water from McLellan Reservoir can be discharged by pipeline into the South Platte River; Centennial's Marcy Gulch Wastewater Treatment Plant; or by not requiring augmentation water from AI sources located above the Titan Road Gage located on Plum Creek. The mouth of Little Dry Creek was used for calculating transit loss for the Centennial water. The mouth is in Section 33, T4S, R68W, approximately 2,350 feet from the South section line and 1,650 feet from the East section line.

5. **Historic Use of 1.038 Shares in the Brighton Ditch.** AI currently leases these shares from the City of Westminster. Collectively, the shares provide approximately 170.88 acre-feet per year of consumptive use credit based on dry-year yields.

6. **City of Thornton Lease.** In exchange for three shares in the Colorado Agricultural Ditch Company, the City of Thornton has provided AI a perpetual lease of fully consumable water from the Metro Wastewater Treatment Plant to be delivered at a rate of 0.035 cfs daily from November 1st through March 31st. This totals 10.53 acre-feet for the calendar year.
(5) The Operator/Applicant shall affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

AI will apply for an NPDES permit prior to mining or dewatering the site.

Potential Mining Impacts
Tucson South Resource Groundwater Modeling Study on the Hydrogeologic Effects of Mining, prepared by Tetra Tech RMC dated August 2004 was submitted as a referral response to DRMS August 3, 2004. The study is on record with the original application and attached herein for reference. A groundwater monitoring and mitigation plan was submitted to the Division as part of an adequacy response to Mr. Larry Oehler dated November 22, 2004 (in pages 17-19). The plan was reviewed and approved by the Division as part of the original permit for the site. A copy of the approved Groundwater Monitoring and Mitigation Plan is described below.

The hydrogeologic conditions have changed since the 2004 report. However, many of the changed conditions were considered in the 2004 model. The Challenger Pit north of the West Area has been reclaimed as a lined storage reservoir. The triangle-shaped parcel north of the East Area has been backfilled with fines. The Greenhouses in the northeast corner of the West Area and the small property located entirely within the East Area are now owned by the City of Aurora and will be mined and reclaimed as part of the water storage reservoir..

The 2004 report presented eight hydrogeologic scenarios that address the various conditions and associated groundwater impacts of the for the life of Tucson South Mine. Scenario 6 described on pages 9 and 10, illustrated on Figures 9 and 10, represent the current conditions with two exceptions:

1. The wells at the Greenhouse property, now owned by Aurora, will be removed during mining, and
2. The South Area rather than being wet mine will be dewatered.

The changes due to the Aurora property are moot and do not have a material impact on the model simulations. However, the dewatering of the South Mine Area will likely impact wells west of the South Area. AI will implement its Ground Water Mitigation Plan to address potential impacts to these wells.

The model indicates that after installation of the slurry wall, groundwater will mound up to approximately six feet along the western and southern edges of the West Area. Given the rise in groundwater level west of the slurry wall, the mining operations will not increase seepage from the Brighton or Brantner ditches. The model also indicates that there will be little to no moundng south of the South Area after reclamation. This is due to the presence of the Brighton Return Ditch that acts like a drain and limits the rise in groundwater level. Similarly, the model indicates that there will be minimal rise in groundwater level south of the East Area. This is due to the proximity of the South Platte River.

Todd Creek Farms Metropolitan District #1 (Todd Creek) operates several water supply wells between the South Platte River and the slurry wall of the East Mine Area. Todd Creek is aware of the future slurry wall and has an agreement with AI acknowledging the construction of the slurry wall and potential impacts to well yields.

Groundwater flows from south-southwest to north-northeast, roughly parallel to the South Platte River. Consequently, there will be very little if any “shadow effect” (decline in groundwater level) in the Morgan Smith Natural Area. The proximity of the River also minimizes the impacts of groundwater levels in the Morgan Smith Natural Area.

The modeling (Scenario 6, Figures 9 and 10) indicates there will be a shadow effect north of the mine in the narrow strip of unmined alluvial aquifer beneath Tucson Street. The drawdown estimated by the model assumes the wells were pumping at the Aurora property Greenhouse and one domestic well north of the mine. Given that the greenhouse wells will not be pumping, the drawdown will likely be less than the of six to eight feet estimated by the
model. There is one remaining domestic alluvial water well in this strip of land. Potential impacts to the well will be addressed by the Ground Water Mitigation Plan.

Groundwater Mitigation Plan

Groundwater monitoring and evaluation of potential mining or reclamation impacts shall be conducted as part of the Groundwater Monitoring and Mitigation Plan. The Monitoring Plan was reviewed and approved by the Division with the original permit and will be used during mining and reclamation activities. Historic and current water level measurements in the monitoring wells are included as Attachment G1. The Monitoring Plan is outlined below.

AI acknowledges that the wells near the South Mine Area will likely be impacted by the dewatering operations. The preemptive plan to address the potential impact will include the installation of cisterns on each of the nearby wells. Figure G-1 presents the preliminary design developed by Tetra Tech and a local driller familiar with the wells in the area. AI will bear the cost of installing and operating the cisterns. If the wells are completely dewatered and it is not practical to replace the existing wells with deeper or more efficient wells, AI will deliver potable water to the cisterns for the duration of the impacts. As indicated above AI may improve the existing wells to provide water to the cisterns rather than continue to haul water for an extended period of time. In any event AI will provide potable water to the well owner. AI Response: Please see the revised Exhibit G Sections 2 (b), and Potential Mining Impacts.

AI is committed to installing an underdrain system to minimize disturbances to the prevailing hydrologic balance of the ground water regime near the mine. Groundwater modeling indicated mounding up to approximately six feet will likely occur along the west and south west margins of the West Mine Area. A preliminary design is shown in plan view and cross sections on Figure G-2 through G-5. Please note that this design is preliminary and may change after the final determination of the location of the slurry wall.

The drain system will consist of three sections, South Side Drain, West Drain South Reach and West Drain North Reach. Each drain has a “receiving” section and a “discharging” section. In the “receiving” sections the drain will be installed at approximately the pre-mining ground water level. As the mound builds it will flow into the drainpipe. In non-mounding areas the “discharging” sections the drainpipe will be at or approximately one foot above the pre-mining ground water levels. In the areas of the ground water mound the ground water will flow into the drain then flow down gradient through the drainpipe and discharge back to the ground water. The entire length of the drainpipe will be perforate. The slope of the drainpipe and seasonal high and low water levels are shown on the drain profiles. This design concept has been utilized at the Challenger Pit just north of the West Mine Area.

One dimensional steady state ground water flow equations commonly used in construction dewatering were used to size the drainpipe. The calculations are presented in Appendix G-1. The analysis indicated a drain pipe diameter of six inches would be adequate. To establish a baseline, AI installed 17 monitoring wells at the mining site in late 2003. The frequency of water level monitoring was approximately monthly from December 2003 to July 2005. After July 2005, monitoring continued quarterly through 2017. The monitoring frequency increased to monthly in January 2018. Monitoring in the wells will continue on a monthly basis for the life of the mine and for one year after mining ends. (Note: MW-11 was removed during Todd Creek Metropolitan District’s construction in 2017 and MW-2 on the Bloom property can no longer be found). MW-2 was replaced with a new well in roughly the same location in 2018. MW-11 will not be reinstalled as the area of the well is adjacent to the river and Todd Creek has monitoring wells that they monitor as part of their alluvial wellfield.

AI will conduct weekly water level monitoring for the monitoring wells around the south mine area during dewatering and until groundwater levels have recovered once dewatering ends. For the wells around the East and West Mine area, monthly water monitoring would continue to be appropriate. If sufficient data is collected during the life of the mining operation, and a demonstration can be made that impacts to the groundwater system have been minimized,
AI can Apply to the Division would consider approval of a Technical Revision to revise the water level monitoring frequency at a later date.

The Monitoring Plan will now consist of 16 monitoring wells. Monitoring data will be used to identify potential changes in alluvial groundwater flow or elevation associated with mining and reclamation activities. Baseline data collected from the monitoring program will provide a range of relative water levels associated with pre-mining groundwater conditions. Experience at other sand and gravel mine sites in similar geologic settings shows that groundwater levels tend to fluctuate between two to four feet each year; levels are highest in the summer and lowest in the winter and early spring. AI will meet with the nearby well owners and enter into a monitoring and mitigation agreement with them. The details of the Mitigation Plan are provided below.

- If, during mining, the relative seasonal groundwater elevation at any of the domestic wells or monitoring wells differs from the baseline conditions by more than two feet, and the condition was not observed during baseline monitoring, or if Aggregate Industries receives a complaint from any well owner within 600 feet from the site boundary, then Aggregate Industries will notify the DRMS and then evaluate the cause and take action within 30 days.

- After the DRMS has been notified, Aggregate Industries will review the available data and information and submit a report to the DRMS within 30 days. The evaluation will include discussions with any well owner who has contacted Aggregate Industries regarding a concern, and a review of baseline data from the well and vicinity to evaluate potential changes due to seasonal variations, climate, mining, or other factors. The report will identify the extent of potential or actual impacts associated with the groundwater changes. If the extent of groundwater changes due to mining or reclamation activities is determined to be a significant factor creating potential or actual adverse impacts, the mining-associated impacts will be addressed to the satisfaction of the DRMS. Aggregate Industries will begin to implement one or more mitigation measures.

- Mitigation measures may include, but are not limited to:
  - Cleaning a well to improve efficiency.
  - Providing an alternative source of water or purchasing additional water to support historic well use water quantity and quality. If needed, water quality parameters will be checked in affected wells to ensure alternative sources support the historic use.
  - Modifying a well to operate under lower groundwater conditions. This could include deepening existing wells or lowering the pumps. All work would be done at Aggregate Industries’ expense except for replacing equipment that was non-functional prior to mining.
  - If existing wells cannot be retrofitted or repaired, replacing the impacted well with a new replacement well.
  - Providing flood irrigation to address concerns over impacts to sub-irrigated lands adjacent to the site.
  - AI agrees to provide the water level data collected from monitoring well sampling to the DRMS with the annual report for the site.

- If a groundwater mitigation action is required, Aggregate Industries will notify the DRMS of the condition, action taken and result.

A complete well inventory “Well Inventory, Tucson South/Haake, Aggregate Site near Brighton Colorado dated March 13, 2004” was submitted to the Division with Exhibit G of the original application for this site. The information is on record at the Division. Since that time Aggregate Industries has obtained the required well permit for this property. Copies of the Well Permit and the Well Completion Report are attached in Exhibit G.
Aggregate Industries, through the SEO well permit process, gave notice to well owners within 600 feet of the mining boundary. The potentially impacted well owners entered into agreements with Aggregate Industries for protection for the senior vested water rights. The SEO well permit is attached in Exhibit G.

Potential Reclamation Impacts
Once mining and reclamation are complete and dewatering pumps are turned off, potential impacts to surrounding wells from mine cell dewatering will cease.

Reclamation Impact Mitigation Plan
Although impacts and damages are not anticipated, it is the intent of the operator and property owners to operate responsibly and to mitigate damage to wells or structures that is directly attributable to the mining and reclamation of the Tucson South Resource site.

If mine cell (or slurry wall) reclamation creates injury to surrounding properties, the applicant will take all necessary actions to remedy the injury. The approved well permit addresses potential impacts to wells within 600 feet of the Permit Boundary.

Additionally, if it is determined that mine cell reclamation creates mounding impacts to surrounding structures or water resources, the applicant will take appropriate corrective action. Impacts would trigger mitigation measures that may include, but are not limited to:

- Installing surface or underground drainage systems to transport groundwater from mounding areas to shadowing areas.
- Diverting surface water flows to recharge ponds in shadowing areas.

Water Quality
Mining and reclamation operations shall comply with the Colorado Department of Public Health and Environment National Pollution Discharge Elimination System (NPDES) regulations. A Colorado Discharge Permitting System (CDPS) permit for stormwater management and discharge flows to protect surface water quality on and off the proposed permit area from mining and reclamation activities will be obtained. The permit includes the continued updating and implementation of a site Stormwater Management Plan designed to prevent the contact and transport of potential contaminants to surface waters by stormwater flows.

The depth to groundwater fluctuates by a couple of feet depending on the season, but averages about 10 feet below ground surface. Due to the absence of large quantities of potential pollutants on site (no on-site processing or concrete or asphalt production), the mining and reclamation operations are not likely to affect groundwater quality on or off the site. As stated above, mining and reclamation activities shall operate under a CDPS permit and Stormwater Management Plan. The plan provides for regular inspections of potential contaminant areas such as mobile equipment and fuel or lubricant storage locations. Inspections and best management practices are incorporated into the plan to protect both surface and groundwater quality.
NOTE:
BENDS IN PIPE, BEGINNING OR END OF PIPE AND AT LOCATIONS SHOWN IN PLAN VIEW.

SCALE: 1" = 100'

WEST CELL UNDERDRAIN

AGGREGATE INDUSTRIES
133-23514-17005
WEST 15TH STREET - REACH N

NOTE TO BE PLACED EVERY 50' OR AT HORIZONTALS
BRIDGES TO PIP. BEGINNING GROUND OF PIP. ARE AT LOCATIONS
SHOWN IN PLAN VIEW.
**SOUTH SIDE DRAIN**

**TUCSON STREET & HWY 7**

**NOTE:**
1. CLEANOUTS NOT SHOWN IN PROFILE. CLEANOUTS TO BE PLACED EVERY 300' OR AT HORIZONTAL BENDS IN PIPE, BEGINNING OR END OF PIPE AND AT LOCATIONS SHOWN IN PLAN VIEW.
2. MONTHLY WATER LEVEL MEASUREMENTS WERE TAKEN BY AGGREGATE INDUSTRIES FROM JANUARY 2018 TO JANUARY 2019. MAXIMUM AND MINIMUM WATER LEVELS ARE PROJECTED ONTO PROFILE AT APPROXIMATE LOCATIONS FROM NEARBY MONITORING WELL LOCATIONS.

**MAXIMUM AND MINIMUM WATER LEVELS MEASURED AT TS MW-6**

**HIGH POINT**

**STA 26+40.00**

**EL 4956.00**

**LOW POINT**

**END INFLOW**

**STA 19+50.00**

**EL 4954.00**

**END OUTFLOW**

**STA 10+00.00**

**EL 4953.00**

**MAXIMUM AND MINIMUM WATER ELEVATIONS MEASURED AT TS MW-5**

**MAXIMUM AND MINIMUM WATER ELEVATIONS MEASURED AT TS MW-17**

**SCALE:**

20' 40' 80'

1" = 40'

**WEST CELL PROFILES**

HORZ SCALE: 1" = 40'; VERT SCALE: 1" = 5'

**CHECKED BY:**

**DRAWN BY:**

**PROJECT NO.:**

**DEIGNED BY:**

**www.tetratech.com**

**G-3**

**WEST CELL UNDERDRAIN PROFILE VIEW**

**STA 10+00 TO STA 26+45**

**MATCHLINE STA 10+00**

**MATCHLINE STA 20+00**

**MATCHLINE STA 26+45**

**MATCHLINE STA 20+00**

**MATCHLINE STA 26+45**

**SCALE:**

20' 40' 80'

1" = 40'

**NOTE:**

1. CLEANOUTS NOT SHOWN IN PROFILE. CLEANOUTS TO BE PLACED EVERY 300' OR AT HORIZONTAL BENDS IN PIPE, BEGINNING OR END OF PIPE AND AT LOCATIONS SHOWN IN PLAN VIEW.
2. MONTHLY WATER LEVEL MEASUREMENTS WERE TAKEN BY AGGREGATE INDUSTRIES FROM JANUARY 2018 TO JANUARY 2019. MAXIMUM AND MINIMUM WATER LEVELS ARE PROJECTED ONTO PROFILE AT APPROXIMATE LOCATIONS FROM NEARBY MONITORING WELL LOCATIONS.
FLOW TO A FULLY PENETRATING LINE SLOT FROM A LINE SOURCE GRAavity CONDITIONS
FLOW FROM ONE SIDE OF TRENCH

EQUATION: \( Q = \frac{(0.73 + 0.27 \times ((H - h_0) / H) \times K \times x \times (H^2 - h_0^2) / 2L)}{2} \)

WHERE:

- \( K \): HYDRAULIC CONDUCTIVITY IN FEET PER DAY
- \( x \): LENGTH OF TRENCH IN FEET
- \( L \): DISTANCE TO CONTINUOUS LINE SOURCE IN FEET
- \( H \): HEAD IN AQUIFER AT DISTANCE \( L \) IN FEET
- \( h_0 \): HEIGHT OF WATER IN TRENCH IN FEET

LOW RANGE

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<th>K (in feet/day)</th>
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<td>L (in feet)</td>
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<tr>
<td>H (in feet)</td>
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<tr>
<td>( h_0 ) (in feet)</td>
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<tr>
<td>( Q ) (in cubic feet/day/foot of trench)</td>
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HIGH RANGE

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<td>( h_0 ) (in feet)</td>
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SOURCE: JOINT DEPARTMENTS OF THE ARMY, THE AIR FORCE AND THE NAVY,
U.S.A., 1983 TECHNICAL MANUAL No. 5-818-5/AFM 88-5, CHAP.
6/NAVFAC P-418 “DEWATERING AND GROUNDWATER CONTROL”
FLOW TO A FULLY PENETRATING LINE SLOT FROM A LINE SOURCE GRAVITY CONDITIONS
FLOW FROM ONE SIDE OF TRENCH

EQUATION: \[ Q = \frac{K \times x \times (H^2 - h_0^2)}{2L} \]

WHERE:
- \( K \): HYDRAULIC CONDUCTIVITY IN FEET PER DAY
- \( x \): LENGTH OF TRENCH IN FEET
- \( L \): DISTANCE TO CONTINUOUS LINE SOURCE IN FEET
- \( H \): HEAD IN AQUIFER AT DISTANCE \( L \) IN FEET
- \( h_0 \): HEIGHT OF WATER IN TRENCH IN FEET

LOW RANGE

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HIGH RANGE

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SOURCE: JOINT DEPARTMENTS OF THE ARMY, THE AIR FORCE AND THE NAVY,
U.S.A., 1983 TECHNICAL MANUAL No. 5-818-5/AFM 88-5, CHAP.
6/NAVFAC P-418 "DEWATERING AND GROUNDWATER CONTROL"
## Project Description

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## Input Data

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<td>Channel Slope</td>
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## Results

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## Flow Type

- SubCritical

## GVF Input Data

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## GVF Output Data

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<td></td>
</tr>
<tr>
<td>Profile Headloss</td>
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</tr>
<tr>
<td>Average End Depth Over Rise</td>
<td>0.00 %</td>
</tr>
</tbody>
</table>
## Project Description

<table>
<thead>
<tr>
<th>Friction Method</th>
<th>Manning Formula</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solve For</td>
<td>Full Flow Diameter</td>
</tr>
</tbody>
</table>

## Input Data

<table>
<thead>
<tr>
<th>Roughness Coefficient</th>
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</thead>
<tbody>
<tr>
<td>Channel Slope</td>
<td>0.00130 ft/ft</td>
</tr>
<tr>
<td>Normal Depth</td>
<td>0.21 ft</td>
</tr>
<tr>
<td>Diameter</td>
<td>0.21 ft</td>
</tr>
<tr>
<td>Discharge</td>
<td>11.65 gal/min</td>
</tr>
</tbody>
</table>

## Results

<table>
<thead>
<tr>
<th>Diameter</th>
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</tr>
</thead>
<tbody>
<tr>
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<td>0.21 ft</td>
</tr>
<tr>
<td>Flow Area</td>
<td>0.03 ft²</td>
</tr>
<tr>
<td>Wetted Perimeter</td>
<td>0.66 ft</td>
</tr>
<tr>
<td>Hydraulic Radius</td>
<td>0.05 ft</td>
</tr>
<tr>
<td>Top Width</td>
<td>0.00 ft</td>
</tr>
<tr>
<td>Critical Depth</td>
<td>0.10 ft</td>
</tr>
<tr>
<td>Percent Full</td>
<td>100.0 %</td>
</tr>
<tr>
<td>Critical Slope</td>
<td>0.00601 ft/ft</td>
</tr>
<tr>
<td>Velocity</td>
<td>0.75 ft/s</td>
</tr>
<tr>
<td>Velocity Head</td>
<td>0.01 ft</td>
</tr>
<tr>
<td>Specific Energy</td>
<td>0.22 ft</td>
</tr>
<tr>
<td>Froude Number</td>
<td>0.00</td>
</tr>
<tr>
<td>Maximum Discharge</td>
<td>0.03 ft³/s</td>
</tr>
<tr>
<td>Discharge Full</td>
<td>0.03 ft³/s</td>
</tr>
<tr>
<td>Slope Full</td>
<td>0.00130 ft/ft</td>
</tr>
<tr>
<td>Flow Type</td>
<td>SubCritical</td>
</tr>
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</table>

## GVF Input Data

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Length</td>
<td>0.00 ft</td>
</tr>
<tr>
<td>Number Of Steps</td>
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</tr>
</tbody>
</table>

## GVF Output Data

<table>
<thead>
<tr>
<th>Upstream Depth</th>
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</thead>
<tbody>
<tr>
<td>Profile Description</td>
<td></td>
</tr>
<tr>
<td>Profile Headloss</td>
<td>0.00 ft</td>
</tr>
<tr>
<td>Average End Depth Over Rise</td>
<td>0.00 %</td>
</tr>
</tbody>
</table>
EXHIBIT H

WILDLIFE INFORMATION
Tucson South Sand and Gravel Mine Project—Adams County, Colorado

Biological Resources Inventory Report

September 2018

Prepared for: Aggregate Industries, LLC
Prepared by: TETRA TECH

350 Indiana Street, Suite 500, Golden, CO, 80401
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Contents

Page

1. Introduction ......................................................................................................................................................... 1
   1.1 Project Description and Location .................................................................................................................. 1
   1.2 Regulatory Setting ........................................................................................................................................ 1

2. Biological Resources Inventory ......................................................................................................................... 5
   2.1 Biological Resources Inventory Methods .................................................................................................. 5
   2.2 Biological Resources Inventory Results and Discussion .......................................................................... 7

3. Conclusions .......................................................................................................................................................... 18
   3.1 Federal and State Listed Species ................................................................................................................. 19
   3.2 Migratory Birds ......................................................................................................................................... 19
   3.3 Vegetation Resources ............................................................................................................................... 19
   3.4 Listed Noxious Weeds ............................................................................................................................... 20

4. Literature Cited ................................................................................................................................................... 21

Attachments

Attachment 1: County Weed Plan
Attachment 2: IPAC

Figures

Figure 1: Wildlife
Figure 2: Desktop Analysis—Land Cover Results
Figure 3: Survey Results—Vegetation
Figure 4: NRCS Soil Types
Tables

Table 1: Colorado Noxious Weed List ........................................................................................................ 3
Table 2: USFWS IPaC-Identified Migratory Birds Likely to Occur in the Project Area ......................... 7
Table 3: Federally Listed Species Known to Occur in Morgan and Weld Counties, Colorado .... 8
Table 5: USFWS IPaC-Identified Migratory Birds Likely to Occur in the Project area .................. 13
Table 6: Vegetation Observed in the Study Area, July 6 and 7, 2017 ............................................. 15
Table 7: Cover Type and Percent of Project area ............................................................................. 17
Table 8: Relationship Between Vegetation Types and Soils types ............................................. 17
Table 9: Noxious Weed Species Observed During Field Surveys ............................................. 18
Table 10: Mitigation Measures For State-Listed Species With Potential To Occur in the Project Area ............................................................................................................. 19
1. Introduction

Aggregate Industries (AI) is proposing to mine sand and gravel at the Tucson South Mine Project (Project) in Adams County, Colorado. The purpose of this report is to (1) provide a summary of local, state, and federal regulations that protect biological resources in Adams County; (2) document findings of the biological resources desktop analysis and field survey; and (3) provide recommendations for management of biological resources, including measures to avoid, minimize, or mitigate impacts, where necessary and practicable.

1.1 Project Description and Location

The Project is located west of Brighton, Colorado, at the intersection of Tucson Road and Colorado Highway 7 in Sections 1 and 12 of Township 1 South, Range 67 West in Adams County. The Project area is divided by roads and parcel boundaries and is shown in Figures 1-4, attached. The total Project area is approximately 258 acres. Upon completion of mining, the site will be reclaimed as two below-grade water storage reservoirs and a reclaimed upland meadow. The Project will include the construction of temporary construction access roads, a slurry wall, gravel mining areas, and equipment storage areas. The Project is currently in the design phase and the final location of the Project features have not yet been defined. Therefore, for planning purposes, all of the Project area was evaluated for the presence of biological resources.

The Project is expected to go through a review process by the U.S. Army Corps of Engineers (USACE); U.S. Fish and Wildlife Service (USFWS); Colorado Department of Public Health and Environment; Colorado Office of Archaeology and Historic Preservation; Colorado Department of Transportation; Colorado Parks and Wildlife; Colorado Division of Mining and Reclamation Safety, and Adams County. Construction of the Project would begin after issuance of all necessary permits, which is currently anticipated as summer 2019. The Project would be developed over time and would operate indefinitely after the City of Aurora takes control of the site and operates the two reservoirs.

Wetland delineations for the Project were performed on July 6 and 7, 2017. The results of the delineation are included in the Project Wetland Delineation Report (Tetra Tech 2018) and are not included herein.

1.2 Regulatory Setting

Several biological resources within the Project are protected by federal and state laws. The following subsections briefly describe these regulations and permitting processes where applicable.

1.2.1 Special Status Species

The Endangered Species Act (ESA) and its implementing regulations in Title 50 of the Code of Federal Regulations (CFR) Section 17 prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. The USFWS is responsible for the implementation of the ESA.
Section 3 of the ESA defines “take” as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct” (16 United States Code [USC] § 1532 (19)). Harm, in this case, means an act that actually kills or injures a federally listed wildlife species and “may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.” To harass means to perform “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering” (50 CFR §17.3). In addition, Section 9 of the ESA details generally prohibited acts, and Section 11 provides for both civil and criminal penalties for violators regarding species federally listed as threatened or endangered.

Colorado Revised Statute (CRS) 33-2-105 states that it is unlawful to “take, possess, transport, export, process, sell or offer for sale, or ship” any species listed as threatened or endangered by Colorado Parks and Wildlife (CPW). According to CRS 33-1-102 “Take” means to acquire possession of wildlife; but such term shall not include the accidental wounding or killing of wildlife by a motor vehicle, vessel, or train.” Activities that would trigger the need for USFWS or CPW consultation or permitting for the Project are discussed in more detail in Section 3.

It is unlawful under the Migratory Bird Treaty Act (MBTA) (50 CFR § 10.13) to “pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried, or received any migratory bird, part, nest, egg, or product.” Birds protected under this act include most native birds, including their body parts (e.g., feathers), nests, and eggs.

The Bald and Golden Eagle Protection Act (BGEPA) prohibits the take of Bald or Golden Eagles by any party. The BGEPA defines “take” as “to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, and disturb individuals, their nests and eggs” (16 USC 668c). “Disturb” is defined by regulation at 50 CFR 22.3 in 2007 as “to agitate or bother a Bald or Golden Eagle to a degree that causes...injury to an eagle, a decrease in productivity, or nest abandonment...”

CPW recommends a set of seasonal buffers for specific nesting raptors that commonly occur in Colorado, including but not limited to Bald and Golden eagles (CPW 2008). These buffers are for active nests and range from 0.25 mile to 0.5 mile depending on the species. The associated date range for each seasonal buffer remains the same annually.

1.2.2 Noxious Weeds

The state of Colorado promulgated the Colorado Noxious Weed Act (Act) in 1990 within Title 35, Article 5.5, Parts 110 through 119, in 1990. The Act initially created three lists: A, B and C (CDA 2017a). The state subsequently added a watch list. The most recent update to the weed lists became effective March 31, 2017. The Act requires A-list species to be eradicated wherever detected to protect neighboring communities and the state as a whole. There are 25 species on the A list. The B list represents those species for which the state of Colorado and local governments will develop noxious weed management plans to stop the continued spread of these species. The B list contains 38 species. Species on the C list are those species that the state will assist governing bodies manage through education, research, and
biological controls. The C list includes 15 species. The watch list includes 24 species of weeds that are documented for advisory and educational purposes only at this time. The state listed noxious weeds are provided in Table 1.

Table 1: Colorado Noxious Weed List

<table>
<thead>
<tr>
<th>List</th>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Colorado List A</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African rue</td>
<td>Peganum harmala</td>
<td></td>
</tr>
<tr>
<td>Camelthorn</td>
<td>Alhagi pseudalhagi</td>
<td></td>
</tr>
<tr>
<td>Common crupina</td>
<td>Crupina vulgaris</td>
<td></td>
</tr>
<tr>
<td>Cypress spurge</td>
<td>Euphorbia cyparissias</td>
<td></td>
</tr>
<tr>
<td>Dyer's woad</td>
<td>Isatis tinctoria</td>
<td></td>
</tr>
<tr>
<td>Elongated mustard</td>
<td>Brassica elongata</td>
<td></td>
</tr>
<tr>
<td>Flowering rush</td>
<td>Butomus umbellatus</td>
<td></td>
</tr>
<tr>
<td>Giant reed</td>
<td>Arundo donax</td>
<td></td>
</tr>
<tr>
<td>Giant salvinia</td>
<td>Salvinia molesta</td>
<td></td>
</tr>
<tr>
<td>Hairy willow-herb</td>
<td>Epilobium hirsutum</td>
<td></td>
</tr>
<tr>
<td>Hydrilla</td>
<td>Hydrilla verticillata</td>
<td></td>
</tr>
<tr>
<td>Bohemian Knotweed</td>
<td>Polygonium x bohemicum</td>
<td></td>
</tr>
<tr>
<td>Giant Knotweed</td>
<td>Polygonium sachalinense</td>
<td></td>
</tr>
<tr>
<td>Japanese Knotweed</td>
<td>Polygonium cuspidatum</td>
<td></td>
</tr>
<tr>
<td>Meadow knapweed</td>
<td>Centaurea pratensis</td>
<td></td>
</tr>
<tr>
<td>Mediterranean sage</td>
<td>Salvia aethiopis</td>
<td></td>
</tr>
<tr>
<td>Medusahead</td>
<td>Taeniatherum caput-medusae</td>
<td></td>
</tr>
<tr>
<td>Myrtle spurge</td>
<td>Euphorbia myrsinites</td>
<td></td>
</tr>
<tr>
<td>Orange hawkweed</td>
<td>Hieracium aurantiacum</td>
<td></td>
</tr>
<tr>
<td>Parrotfeather</td>
<td>Myriophyllum aquaticum</td>
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<tr>
<td>Purple loosestrife</td>
<td>Lythrum salicaria</td>
<td></td>
</tr>
<tr>
<td>Rush skeletonweed</td>
<td>Chondrilla juncea</td>
<td></td>
</tr>
<tr>
<td>Squarrose knapweed</td>
<td>Centaurea virgata</td>
<td></td>
</tr>
<tr>
<td>Tansy ragwort</td>
<td>Senecio jacobaea</td>
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</tr>
<tr>
<td>Yellow starthistle</td>
<td>Centaurea solstitialis</td>
<td></td>
</tr>
<tr>
<td><strong>Colorado List B</strong></td>
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</tr>
<tr>
<td>Absinth wormwood</td>
<td>Artemisia absinthium</td>
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<tr>
<td>Black henbane</td>
<td>Hyoscyamus niger</td>
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<td>Bouncingbet</td>
<td>Saponaria officinalis</td>
<td></td>
</tr>
<tr>
<td>Bull thistle</td>
<td>Cirsium vulgare</td>
<td></td>
</tr>
<tr>
<td>Canada thistle</td>
<td>Brea arvensis (Cirsium arvense)</td>
<td></td>
</tr>
<tr>
<td>Chinese clematis</td>
<td>Clematis orientalis</td>
<td></td>
</tr>
<tr>
<td>Corn chamomile</td>
<td>Anthemis arvensis</td>
<td></td>
</tr>
<tr>
<td>Mayweed chamomile</td>
<td>Anthemis cotula</td>
<td></td>
</tr>
<tr>
<td>Scentless chamomile</td>
<td>Tripleurospermum perforatum</td>
<td></td>
</tr>
<tr>
<td>Chinese clematis</td>
<td>Clematis orientalis</td>
<td></td>
</tr>
</tbody>
</table>
### Table 1:
**Colorado Noxious Weed List**

<table>
<thead>
<tr>
<th>List</th>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Common tansy</td>
<td><em>Tanacetum vulgare</em></td>
</tr>
<tr>
<td></td>
<td>Common teasel</td>
<td><em>Dipsacus fullonum</em></td>
</tr>
<tr>
<td></td>
<td>Corn chamomile</td>
<td><em>Anthemis arvensis</em></td>
</tr>
<tr>
<td></td>
<td>Common teasel</td>
<td><em>Dipsacus fullonum</em></td>
</tr>
<tr>
<td></td>
<td>Cutleaf teasel</td>
<td><em>Dipsacus laciniatus</em></td>
</tr>
<tr>
<td></td>
<td>Dalmatian toadflax</td>
<td><em>Linaria dalmatica</em></td>
</tr>
<tr>
<td></td>
<td>Dame's rocket</td>
<td><em>Hesperis matronalis</em></td>
</tr>
<tr>
<td></td>
<td>Diffuse knapweed</td>
<td><em>Acosta diffusa</em> (Centauraea diffusa)</td>
</tr>
<tr>
<td></td>
<td>Eurasian watermilfoil</td>
<td><em>Myriophyllum spicatum</em></td>
</tr>
<tr>
<td></td>
<td>Hoary cress</td>
<td><em>Cardaria draba</em></td>
</tr>
<tr>
<td></td>
<td>Houndstongue</td>
<td><em>Cynoglossum officinale</em></td>
</tr>
<tr>
<td></td>
<td>Jointed goatgrass</td>
<td><em>Aegilops cylindrica</em></td>
</tr>
<tr>
<td></td>
<td>Leafy spurge</td>
<td><em>Euphorbia esula</em></td>
</tr>
<tr>
<td></td>
<td>Moth mullein</td>
<td><em>Verbascum blattaria</em></td>
</tr>
<tr>
<td></td>
<td>Musk thistle</td>
<td><em>Carduus nutans</em></td>
</tr>
<tr>
<td></td>
<td>Oxeye daisy</td>
<td><em>Chrysanthemum leucanthemum</em></td>
</tr>
<tr>
<td></td>
<td>Perennial pepperweed</td>
<td><em>Lepidium latifolium</em></td>
</tr>
<tr>
<td></td>
<td>Plumeless thistle</td>
<td><em>Carduus acanthoides</em></td>
</tr>
<tr>
<td></td>
<td>Russian knapweed</td>
<td><em>Acroptilon repens</em></td>
</tr>
<tr>
<td></td>
<td>Russian-olive</td>
<td><em>Elaeagnus angustifolia</em></td>
</tr>
<tr>
<td></td>
<td>Salt cedar</td>
<td><em>Tamarix chinensis, T.parviflora, T. ramosissima</em></td>
</tr>
<tr>
<td></td>
<td>Scentless chamomile</td>
<td><em>Matricaria perforata</em></td>
</tr>
<tr>
<td></td>
<td>Scotch thistle</td>
<td><em>Onopordum acanthium, and O. tauricum</em></td>
</tr>
<tr>
<td></td>
<td>Spotted knapweed</td>
<td><em>Centaurea maculosa</em></td>
</tr>
<tr>
<td></td>
<td>Sulfur cinquefoil</td>
<td><em>Potentilla recta</em></td>
</tr>
<tr>
<td></td>
<td>Wild caraway</td>
<td><em>Carum carvi</em></td>
</tr>
<tr>
<td></td>
<td>Yellow nutsedge</td>
<td><em>Cyperus esculentus</em></td>
</tr>
<tr>
<td></td>
<td>Yellow toadflax</td>
<td><em>Linaria vulgaris</em></td>
</tr>
</tbody>
</table>

**Colorado List C**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bulbous Goatgrass</td>
<td><em>Poa bulbosa</em></td>
</tr>
<tr>
<td></td>
<td>Chicory</td>
<td><em>Cichorium intybus</em></td>
</tr>
<tr>
<td></td>
<td>Common burdock</td>
<td><em>Arctium minus</em></td>
</tr>
<tr>
<td></td>
<td>Common mullein</td>
<td><em>Verbascum thapsus</em></td>
</tr>
<tr>
<td></td>
<td>Common St. Johnswort</td>
<td><em>Hypericum perforatum</em></td>
</tr>
<tr>
<td></td>
<td>Downy brome</td>
<td><em>Bromus tectorum</em></td>
</tr>
<tr>
<td></td>
<td>Field bindweed</td>
<td><em>Convolvulus arvensis</em></td>
</tr>
<tr>
<td></td>
<td>Halogeton</td>
<td><em>Halogeton glomeratus</em></td>
</tr>
<tr>
<td></td>
<td>Perennial sowthistle</td>
<td><em>Sonchus arvensis</em></td>
</tr>
<tr>
<td></td>
<td>Poison hemlock</td>
<td><em>Conium maculatum</em></td>
</tr>
<tr>
<td></td>
<td>Puncturevine</td>
<td><em>Tribulus terrestris</em></td>
</tr>
<tr>
<td></td>
<td>Quackgrass</td>
<td><em>Elymus repens</em></td>
</tr>
</tbody>
</table>
Table 1:
Colorado Noxious Weed List

<table>
<thead>
<tr>
<th>List1</th>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Redstem fillaree</td>
<td>Erodium cicutarium</td>
</tr>
<tr>
<td>2</td>
<td>Velvetleaf</td>
<td>Abutilon theophrasti</td>
</tr>
<tr>
<td>3</td>
<td>Wild proso millet</td>
<td>Panicum miliaceum</td>
</tr>
</tbody>
</table>

Source: CDA (2017)

1.2.2.1 Adams County Noxious Weed Management

Adams County established a Noxious Weed Management Plan (Adams County Plan) and a Noxious Weed Enforcement Policy in May 2008 (the Policy) that is included as Attachment 1. The Adams County Plan states:

* Cooperation from all landowners/occupants regarding timely noxious weed management will be encouraged via positive communication and education efforts. The Weed Office or its agent will continue to apply herbicides to a limited acreage of noxious weeds on private lands by landowner or tenant request, consistent with County policies. Where noxious weeds are still found, an enforcement process will be initiated to ensure control of the Weeds.

According to the Policy, landowners in Adams County are required to manage noxious weed infestations. The policy also outlines criteria for county officials to inspect for noxious weed infestations on public and private land and identifies methods of notification to landowners if an infestation is found to occur and it requires that the notified landowner comply with the terms of the notification and the policy. If the landowner does not comply with the terms, the county may access the property and undertake the management of noxious weeds. In this case, the Policy outlines a method for the county to recover costs of management.

2. Biological Resources Inventory

This biological resources inventory featured two components: a desktop analysis and field survey. These two components were completed by biologists qualified to identify flora and fauna in the Front Range of Colorado.

2.1 Biological Resources Inventory Methods

The following subsections describe the methods used to evaluate the presence of biological resources for the Project area.

2.1.1 Desktop Methods

Each of the desktop resources listed below were used in evaluating the biological resources that are in the vicinity of the Project area:
• USFWS Region 6 Information for Planning and Conservation (IPaC) search results for federal and state listed threatened and endangered species likely to occur near the Project area (Attachment 2)
• USFWS Critical Habitat Map Service (USFWS 2017a)
• CPW Bald Eagle Shapefile (CPW 2016a)
• CPW threatened, endangered and species of concern for the state (CPW 2017)
• CPW Species Profiles (CPW 2016c).
• CPW Species Activity Data (CPW 2016b).
• Colorado Natural Heritage Program (CNHP) Database—CNHP maintains species profiles for protected species that can be used to identify species of concern within a Project area (CNHP 2015a, 2015b)
• U.S. Department of Agriculture (USDA) Farm Service National Agricultural Imagery Program Aerial photography for Project location (USDA 2015)
• Multi Resolution Land Characteristics Consortium National Land Cover Dataset Compilation (NLCD) (Fry et al. 2011)

2.1.2 Field Survey Methods

Two biologists qualified to identify Great Plains flora, fauna, and noxious weeds conducted the field effort. The following subsections provide descriptions of survey methods used for each component of the field survey by the field team.

2.1.2.1 Listed Species—Habitat Suitability Assessment

Field notes and digital photography were collected from within the Project area that presented suitable habitat characteristics that would support any species listed in Tables 3 and 4.

2.1.2.2 General Wildlife and Vegetation Assessment

Tetra Tech biologists performed a field survey to document habitat types in the Project area. All species of wildlife and vegetation that were observed during the survey were recorded in a field logbook and photographed as practicable. Locations of certain resources, such as potential black-tailed prairie dog colonies in the Project area, were mapped using a generic GPS software loaded on the field tablet computer.

2.1.2.3 Avian Survey Methods

Tetra Tech biologists surveyed the Project area for raptor nests and trees that could support raptor nests. The largest buffer for active raptor nests recommended by CPW is 0.5 mile for the Bald Eagle, so only trees within 0.5 mile buffer of the Project area were surveyed for nests. The raptor nest survey was completed during full leaf-out of deciduous trees in the Project area, so trees with the potential to support nests were observed with field binoculars to search for nests to the greatest extent possible. CPW defines
an active nest as any nest that is “frequented or occupied by a raptor during the breeding season or which has been active in any of the five previous breeding seasons” (CPW 2008). Biologists also documented suitable habitat and sightings of individual bird species protected by the MBTA in the Project area.

2.1.2.4 Noxious Weed Inventory
An informal survey for state listed noxious weeds was conducted incidentally during the general wildlife and vegetation assessment. This effort was not intended to be, and should not be considered, an extensive survey of the entire Project area.

2.2 Biological Resources Inventory Results and Discussion
The following sections describe the results of the biological resources assessment completed for the Project area.

2.2.1 Desktop Results

2.2.1.1 Ecoregional Setting
The Project is completely situated in the High Plains Level III Ecoregion. The High Plains Ecoregion includes four Level IV ecoregions. The Project area lies within the Flat to Rolling Plains (25d) Level IV ecoregion (Chapman et al. 2001). This ecoregion is characterized by moderate topological relief, silty and sandy soils, shortgrass prairie vegetation, and intermittent streams with few perennial streams. This ecoregion is known to have small scattered depressional “playa” wetlands and dense oil and gas production. Elevation in the Project area is between 4,900 and 5,000 feet above sea level.

2.2.1.2 General Wildlife
Table 2 lists the species identified by CPW as potentially occurring in the Project area (CPW 2016b). The list includes birds and mammals. Table 2 also lists the season each species is expected to occur in the Project area. With the exception of the White Pelican, all of the species in Table 2 are expected to occur in the Project area year-round. The White Pelican is expected in the Project area only during migration in the spring and fall months.

Table 2: USFWS IPaC-Identified Migratory Birds Likely to Occur in the Project Area

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Eagle</td>
<td>Haliaeetus leucocephalus</td>
</tr>
<tr>
<td>Black-tailed Prairie Dog</td>
<td>Cynomys ludovicianus</td>
</tr>
<tr>
<td>Goose</td>
<td>Branta spp.</td>
</tr>
<tr>
<td>Great Blue Heron</td>
<td>Ardea herodias</td>
</tr>
<tr>
<td>White Pelican</td>
<td>Pelecanus erythrorhynchos</td>
</tr>
<tr>
<td>Mule Deer</td>
<td>Odocoileus hemionus</td>
</tr>
<tr>
<td>Preble’s Meadow Jumping Mouse</td>
<td>Zapus hudsonius preblei</td>
</tr>
<tr>
<td>White-tailed deer</td>
<td>Odocoileus virginianus</td>
</tr>
<tr>
<td>Wild turkey</td>
<td>Meleagris spp.</td>
</tr>
</tbody>
</table>
2.2.1.3 Federally Listed Species

According to USFWS Region 6 Information for Planning and Conservation (IPaC) output for the Project area (Attachment 2), four birds, one fish, one mammal, and three flowering plant species that are federally listed as threatened or endangered by the USFWS should be considered as part of an effect analysis for the Project. Table 3 lists these species and summarizes the likelihood of occurrence in the Project area. None of the species listed in Table 3 was directly observed during the field survey. As the table shows, none of the species were judged to have potential to occur within the Project area. There are no USFWS-designated critical habitats for any federally listed species within the Project area (USFWS 2017a).

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Status</th>
<th>Likelihood of Occurrence in Project area/Habitat Suitability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Least Tern (interior population)³</td>
<td><em>Sternula antillarum</em></td>
<td>FE</td>
<td>Unlikely to occur. Habitat consists of bare sandy shorelines of reservoirs, lakes, and rivers. The Project area is outside the typical breeding and wintering distribution for this species. The species occurs in the Platte River watershed downstream in Nebraska. In addition, the Second Colorado Breeding Bird Atlas does not show elemental occurrences or breeding in Adams County for the interior population of the Least Tern. No critical habitat has been designated for this species exists in the Project area.</td>
</tr>
<tr>
<td>Mexican Spotted Owl</td>
<td><em>Strix occidentalis lucida</em></td>
<td>FT</td>
<td>Unlikely to occur. Habitat consists of mature mixed-conifer, pine-oak, and riparian forest in canyon habitat. These habitat components are not present in the Project area. The Second Colorado Breeding Bird Atlas does not show elemental occurrences or breeding in Adams County for the Mexican Spotted Owl. No designated critical habitat for the Mexican Spotted Owl exists in the Project area.</td>
</tr>
<tr>
<td>Piping Plover⁴</td>
<td><em>Charadrius melodus</em></td>
<td>FT</td>
<td>Unlikely to occur. Suitable habitat includes sparsely vegetated sandbars of rivers and sparsely vegetated and frequently alkaline beaches, lakehores, and wetlands. The Project area is outside the typical breeding and wintering distribution for this species. This species occurs in the Platte River watershed downstream in Nebraska. In addition, the Second Colorado Breeding Bird Atlas does not show elemental occurrences or breeding in Adams County for the Piping Plover. No designated critical habitat for the Piping Plover exists in the Project area.</td>
</tr>
<tr>
<td>Whooping Crane³</td>
<td><em>Grus americana</em></td>
<td>FE</td>
<td>Unlikely to occur. The Whooping Crane breeds, migrates, winters, and forages in a variety of wetland and other habitats, including coastal marshes and estuaries, inland marshes, lakes, ponds, wet meadows and rivers, and agricultural fields. The Project area is outside the typical distribution for this species. This species occurs in the Platte River watershed downstream in Nebraska. The Project does not anticipate causing any water depletions to the South Platte River. In addition, the Second Colorado Breeding Bird Atlas does not show elemental occurrences or breeding in anywhere in Colorado for the Whooping Crane. No designated critical habitat for the Whooping Crane exists in the Project area.</td>
</tr>
</tbody>
</table>
Table 3:
Federally Listed Species Known to Occur in Adams County, Colorado

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name1</th>
<th>Status2</th>
<th>Likelihood of Occurrence in Project area/Habitat Suitability3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fishes</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pallid Sturgeon3</td>
<td>Scaphirhynchus</td>
<td>FE</td>
<td>Not present in Colorado. This species is documented to occur</td>
</tr>
<tr>
<td></td>
<td>albus</td>
<td></td>
<td>downstream in the Platte River in Nebraska. The Project does</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>not anticipate causing any water depletions to the South</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Platte River. Pallid sturgeon are a bottom-oriented, large</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>river obligate fish inhabiting the systems of the Missouri</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and Mississippi rivers. No critical habitat has been</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>designated for the pallid sturgeon in the Project area.</td>
</tr>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preble’s Meadow Jumping Mouse</td>
<td>Zapus hudsonius</td>
<td>FT</td>
<td>Unlikely to occur. Project is located in the USFWS Preble’s</td>
</tr>
<tr>
<td></td>
<td>preblei</td>
<td></td>
<td>Meadow Jumping Mouse Block Clearance Zone.4</td>
</tr>
<tr>
<td><strong>Plants</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colorado Butterfly Plant5</td>
<td>Oenothera</td>
<td>FT</td>
<td>Unlikely to occur. The Colorado butterfly plant (COBP) is</td>
</tr>
<tr>
<td></td>
<td>coloradensis</td>
<td></td>
<td>known to occur in Adams County; however, COBP was not</td>
</tr>
<tr>
<td></td>
<td>spp. coloradensis</td>
<td></td>
<td>observed in the Project area during the site visit and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>potential COBP habitat does not exist in the Project area.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>COBP is an early successional plant (although probably not</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>a pioneer) adapted to use sub-irrigated alluvial stream</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>channel sites and floodplains surrounded by mixed grass</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>prairie that are periodically disturbed. COBP occurs at</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>elevations of 5,000–6,400 feet, which is slightly higher</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>than the elevation range of the Project area. The habitat</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>at the South Platte River Creek has dense vegetation cover</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>with at least partial canopy coverage by shrubs and trees,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>which is not suitable habitat for COBP. No designated</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>critical habitat for COBP exists in the Project area. The</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Project is not expected to impact the South Platte River or</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>associated wetlands.</td>
</tr>
<tr>
<td>Ute Ladies’-tresses orchid6</td>
<td>Spiranthes</td>
<td>FT</td>
<td>Unlikely to occur. Suitable habitat likely does exist for</td>
</tr>
<tr>
<td></td>
<td>diluvialis</td>
<td></td>
<td>Ute ladies’-tresses orchid (ULTO), however the species is</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>not known to occur in Adams County. Suitable habitat</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>includes perennial stream terraces, floodplains, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>oxbows at elevations between 4,300–7,000 feet. Recent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>surveys since 1992 have expanded the number of vegetation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and hydrology types occupied by ULTO to include seasonally</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>flooded river terraces, subirrigated or spring-fed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>abandoned stream channels and valleys, and lakeshores.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Twenty-six populations have been discovered along</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>irrigation canals, berms, levees, irrigated meadows,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>excavated gravel pits, roadside barrow pits, reservoirs,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and other human-modified wetlands. The habitats at the</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>crossings of the South Platte River have dense vegetation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>cover with at least partial canopy coverage. No critical</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>habitat designated for ULTO exists in the Project area.</td>
</tr>
<tr>
<td>Western Prairie Fringed</td>
<td>Platanthera</td>
<td>FT</td>
<td>Not present. Western prairie fringed orchid is a perennial</td>
</tr>
<tr>
<td>Orchid1</td>
<td>praecella</td>
<td></td>
<td>orchid of the North American tall grass prairie and is</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>found most often on unplowed calcareous prairies and sedge</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>meadows. This species is dependent on mycorrhizal fungi,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and its persistence is dependent on periodic disturbance by</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>fire, mowing, or grazing. The species occurs in Iowa,</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kansas, Minnesota, Missouri, Nebraska, North Dakota, and</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Oklahoma. Upstream depletions to the Platte River system in</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Colorado and Wyoming may affect the species in Nebraska. No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>critical habitat is designated for the orchid in the Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>area.</td>
</tr>
</tbody>
</table>

1 Source: Ackerfield (2015)
2 FE = Federal Endangered, FT = Federal Threatened
3 USFWS (2017a)
Water depletions in the North Platte River, South Platte River, and Laramie River basins may affect the species and/or critical habitat associated with the Platte River in Nebraska.

USFWS (2010)  
CNHP (2015a)  
CNHP (2015b)

**2.2.1.4 State Listed Species**

CPW’s threatened and endangered list includes state listed endangered and threatened species (CPW 2017). This list includes amphibians, birds, fish, and mammals. Table 4 summarizes the state listed species that were evaluated for presence within the Project and the status and the likelihood of occurrence in the study area. Species identified with a potential to occur in Table 4 are described in further detail below. Species of concern do not have any regulatory protection in Colorado, and impacts to these species will be minimized to the extent practicable using best management practices and avoidance measures.

**Table 4:**  
**State Listed Species and Their Likelihood of Occurrence Within the Project Area**

<table>
<thead>
<tr>
<th>Taxonomic Group</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Likelihood of Occurrence within the Project Area¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphibians²</td>
<td>Boreal Toad</td>
<td><em>Bufo boreas</em></td>
<td>SE</td>
<td>Unlikely to occur. Habitat includes mountain lakes, ponds, meadows, and wetlands in subalpine forests, which do not occur in the Project area. Adults often feed in meadows and forest openings near water but sometimes in drier forest habitats. This species habitat is exclusively in the mountains of Colorado to the west of the Project area and typically above 8,500 feet above mean sea level.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birds³</td>
<td>Burrowing Owl</td>
<td><em>Athene cunicularia</em></td>
<td>ST</td>
<td>Moderate potential to occur in Project area. Burrowing Owls are known to utilize prairie dog colonies for habitat. Three potential prairie dog colonies were documented within the Project area (Figure 1).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Least Tern</td>
<td><em>Sterna antillarum</em></td>
<td>SE</td>
<td>Unlikely to occur. Breeds in the southern and eastern portion of the state, generally in the La Junta–Lamar area outside the Project area. Habitat consists of sandy hills and rooftops large rivers in the great plains and the Atlantic coast.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lesser Prairie Chicken</td>
<td><em>Tympanuchus pallidicintus</em></td>
<td>ST</td>
<td>Unlikely to occur. Occupies the grasslands of Texas, Oklahoma, New Mexico, Kansas, and southeastern Colorado, outside the Project area.</td>
</tr>
<tr>
<td></td>
<td>Mexican Spotted Owl</td>
<td><em>Strix occidentalis lucida</em></td>
<td>ST</td>
<td>Unlikely to occur. Habitat consists of mature mixed-conifer, pine-oak, and riparian forest in canyon habitat. These habitat components are not present in the Project area.</td>
</tr>
<tr>
<td></td>
<td>Plains Sharp-Tailed Grouse</td>
<td><em>Tympanuchus phasianellus jamae</em></td>
<td>SE</td>
<td>Unlikely to occur. Occurs in native grassland habitats with shrub cover or grain fields that do not occur in or around the Project area.</td>
</tr>
<tr>
<td></td>
<td>Piping Plover</td>
<td><em>Charadrius melodus circumcinctus</em></td>
<td>ST</td>
<td>Unlikely to occur. The study area is outside typical breeding and wintering distribution. Occurs in the Platte River watershed downstream in Nebraska.</td>
</tr>
<tr>
<td></td>
<td>Southwestern Willow Flycatcher</td>
<td><em>Empidonax traillii extimus</em></td>
<td>SE</td>
<td>Unlikely to occur. The study area is outside typical distribution. Breeding distribution in Colorado is limited to the southwestern portion of the state in riparian forests.</td>
</tr>
<tr>
<td></td>
<td>Whooping Crane</td>
<td><em>Grus americana</em></td>
<td>SE</td>
<td>Unlikely to occur. The study area is outside typical distribution. Occurs in the Platte River watershed downstream in Nebraska.</td>
</tr>
</tbody>
</table>
Table 4:
State Listed Species and Their Likelihood of Occurrence Within the Project Area

<table>
<thead>
<tr>
<th>Taxonomic Group</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Likelihood of Occurrence within the Project Area¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas Darter</td>
<td>Etheostoma Cragini</td>
<td>ST</td>
<td>Unlikely to occur. The range of the species occurs within the Arkansas River drainage, outside of the Project area.</td>
<td></td>
</tr>
<tr>
<td>Fish⁴,⁵</td>
<td>Bonytail</td>
<td>Gila elegans</td>
<td>SE</td>
<td>Unlikely to occur. Does not occur east of the Continental Divide.</td>
</tr>
<tr>
<td></td>
<td>Brassy Minnow</td>
<td>Hybognathus hankinsoni</td>
<td>ST</td>
<td>Moderate potential to occur in cool intermittent and perennial streams within the Project. This species occurs in in stream channels, pools, and small streams in the Lower South Platte River Basin. Its distribution is notoriously unpredictable but can be abundant where found.</td>
</tr>
<tr>
<td></td>
<td>Colorado Pikeminnow</td>
<td>Ptychocheilus lucius</td>
<td>ST</td>
<td>Unlikely to occur. Does not occur east of the Continental Divide.</td>
</tr>
<tr>
<td></td>
<td>Greenback Cutthroat Trout</td>
<td>Oncorhyncus clarki stenias</td>
<td>ST</td>
<td>Unlikely to occur. Prefers clear, cold gravelly headwater streams in mountainous regions, which do not exist within the Project area.</td>
</tr>
<tr>
<td></td>
<td>Humpback Chub</td>
<td>Gila cypha</td>
<td>ST</td>
<td>Unlikely to occur. Does not occur east of the Continental Divide.</td>
</tr>
<tr>
<td></td>
<td>Lake Chub</td>
<td>Couesius plumbeus</td>
<td>SE</td>
<td>Unlikely to occur. The species is confined to perennial waterbodies. This species prefers deep water with large rocks, which does not occur within the Project area.</td>
</tr>
<tr>
<td></td>
<td>Northern Redbelly Dace</td>
<td>Phoxinus eos</td>
<td>SE</td>
<td>Unlikely to occur. In Colorado, known only to occur in the West Plum Creek drainage, outside of the Project area.</td>
</tr>
<tr>
<td></td>
<td>Plains Minnow⁶</td>
<td>Hybognathus placitus</td>
<td>SE</td>
<td>Moderate potential to occur in perennial and intermittent waters connected to the South Platte River intersected by the Project area. The South Platte River is a highly degraded and braided system with shallow, sand-filled channels; the preferred habitat of the species.</td>
</tr>
<tr>
<td></td>
<td>Rio Grande Sucker</td>
<td>Catostomus plebeius</td>
<td>SE</td>
<td>Unlikely to occur. Not known to occur in the South Platte River drainage system.</td>
</tr>
<tr>
<td></td>
<td>Razorback Sucker</td>
<td>Xyrauchen texanus</td>
<td>SE</td>
<td>Unlikely to occur. The species occurs in the Colorado River system, outside of the Project area.</td>
</tr>
<tr>
<td></td>
<td>Southern Redbelly Dace</td>
<td>Phoxinus erythrogaster</td>
<td>SE</td>
<td>Unlikely to occur. In Colorado, known only to occur in the Upper Arkansas River, Fountain Creek, Chico Creek, Apishapa River, and Big Sandy Creek, outside of the Project area.</td>
</tr>
<tr>
<td></td>
<td>Suckermouth Minnow⁶</td>
<td>Phenacobius mirabilis</td>
<td>SE</td>
<td>Low potential to occur in streams with intermittent or perennial flow intersected by the Project area. This species prefers small to medium sized creeks and rivers in eastern Colorado.</td>
</tr>
<tr>
<td></td>
<td>Black-Footed Ferret</td>
<td>Mustela nigripes</td>
<td>SE</td>
<td>Unlikely to occur. This species is very rare. Habitat once included the eastern plains, the mountain parks, and the western valleys—grasslands or shrublands that supported some species of prairie dog, the ferret’s primary prey. Ferrets have been released from the captive breeding program in Colorado, but not near this Project area.</td>
</tr>
<tr>
<td></td>
<td>Gray Wolf</td>
<td>Canis lupus</td>
<td>SE</td>
<td>Unlikely to occur. This species is considered extirpated in Colorado.</td>
</tr>
<tr>
<td></td>
<td>Grizzly Bear</td>
<td>Ursus arctos</td>
<td>SE</td>
<td>Unlikely to occur. This species is considered extirpated in Colorado.</td>
</tr>
<tr>
<td>Mammals⁷</td>
<td>Kit Fox</td>
<td>Vulpes macrotis</td>
<td>SE</td>
<td>Unlikely to occur. Range extends from Montrose to Grand Junction on the western slope of Colorado, not near the Project area.</td>
</tr>
</tbody>
</table>
Table 4:
State Listed Species and Their Likelihood of Occurrence Within the Project Area

<table>
<thead>
<tr>
<th>Taxonomic Group</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>State Status</th>
<th>Likelihood of Occurrence within the Project Area¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lynx</td>
<td>Lynx canadensis</td>
<td>SE</td>
<td>Unlikely to occur. This species is been released in experimental populations in the mountains of Colorado. Individuals from this experimental population have been documented to disperse widely in Colorado and have even traveled out of state, but the species prefers areas covered in snow year round, which does not occur within the Project area.</td>
<td></td>
</tr>
<tr>
<td>Preble’s Meadow Jumping Mouse</td>
<td>Zapus hudsonius preblei</td>
<td>ST</td>
<td>Unlikely to occur. Project is located in the USFWS Preble’s Meadow Jumping Mouse Block Clearance Zone.³</td>
<td></td>
</tr>
<tr>
<td>River Otter</td>
<td>Lontra canadensis</td>
<td>ST</td>
<td>Moderate potential to occur in riparian areas along the South Platte River.</td>
<td></td>
</tr>
<tr>
<td>Wolverine</td>
<td>Gulo</td>
<td>SE</td>
<td>Unlikely to occur. Habitat includes tundra, taiga, boreal, and alpine biomes, which are not present in the Project area.</td>
<td></td>
</tr>
</tbody>
</table>

1 Potential for Occurrence: Unlikely—No species range overlap in the Project or unsuitable habitat; Low—species range overlaps with Project with marginally suitable habitat; Moderate—species range overlaps with Project with suitable habitat or species is known to occur in habitat similar to habitat in Project; High—suitable habitat is present in the Project or known populations exist in the Project; Present—species observed during field surveys.

2 Source: Hammerson (1999)
3 Source: Sibley (2014)
4 Source: Johnson (2007)
5 Source: Sullivan et al. (2009)
6 Source: Nico et al. (2017)
7 Source: Fitzgerald et al. (1994)
8 Source: USFWS (2010)

2.2.1.4.1 Burrowing Owl
Burrowing owls (ST), have suitable habitat in active and remnant black-tailed prairie dog colonies that intersect the Project area. Only one of three potential black-tailed prairie dog colonies were documented to be active in the Project area; however, burrows that could be used as burrowing owl habitat were documented in each mapped potential black-tailed prairie dog colony. Pre-construction surveys for burrowing owls according to CPW-recommended survey protocol would be conducted in these locations if construction occurs during the burrowing owl breeding season (March 15–October 31). If nesting owls are observed, the nesting location will be documented and the CPW-recommended seasonal 150-foot non-encroachment buffer will be implemented to minimize the potential for species harassment.

2.2.1.4.2 Plains Minnow, Suckermouth Minnow, and Brassy Minnow
Three fish species, plains minnow (SE), suckermouth minnow (SE), and brassy minnow (ST) have the potential to occur in perennial and intermittent waters intersected by the Project. Perennial and intermittent streams ((Brighton Ditch, Brantner Ditch, and the unnamed tributary to the South Platte River) in the Project area will be avoided. No impacts to these species are expected.
2.2.1.4.3 River Otter

River otters (ST) prefer riparian habitats along perennial river systems and are known to occur along the South Platte River. River otters use beaver dens and lodges, brush piles, and muskrat dens in secluded areas for natal dens, rearing young throughout the spring and summer months (Fitzgerald et al. 1994). The Project would avoid direct impacts to the river otter and impacts to potential river otter breeding habitat along the South Platte River and its associated riparian area including potential natal dens. No impacts to the South Platte River, the river otter, or its habitat is anticipated.

2.2.1.5 Migratory Birds

CPW shapefiles were consulted to identify any known potential Bald Eagle or Osprey nests located in or near the Project area. The closest documented Bald Eagle nest is located approximately 0.8 mile away from the Project area (CPW 201c). Table 5 lists 24 species of migratory birds that should be considered as part of an effects analysis for this Project area according to IPaC output (Attachment 2).

Table 5:
USFWS IPaC-Identified Migratory Birds Likely to Occur in the Project area

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Bittern</td>
<td>Botaurus lentiginosus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Bald Eagle</td>
<td>Haliaeetus leucocephalus</td>
<td>Year-round</td>
</tr>
<tr>
<td>Black Rosy-finch</td>
<td>Leucosticte arata</td>
<td>Year-round</td>
</tr>
<tr>
<td>Brewer’s Sparrow</td>
<td>Spizella breweri</td>
<td>Breeding</td>
</tr>
<tr>
<td>Burrowing Owl</td>
<td>Athene cunicularia</td>
<td>Breeding</td>
</tr>
<tr>
<td>Dickcissel</td>
<td>Spiza Americana</td>
<td>Breeding</td>
</tr>
<tr>
<td>Ferruginous Hawk</td>
<td>Buteo regalis</td>
<td>Year-round</td>
</tr>
<tr>
<td>Golden Eagle</td>
<td>Aquila chrysaetos</td>
<td>Year-round</td>
</tr>
<tr>
<td>Lark Bunting</td>
<td>Calamospiza melanocorys</td>
<td>Breeding</td>
</tr>
<tr>
<td>Lewis’s Woodpecker</td>
<td>Melanerpes lewis</td>
<td>Breeding</td>
</tr>
<tr>
<td>Loggerhead Shrike</td>
<td>Lanius ludovicianus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Long-billed Curlew</td>
<td>Numenius americanus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Mountain Plover</td>
<td>Charadrius montanus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Peregrine Falcon</td>
<td>Falco peregrinus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Prairie Falcon</td>
<td>Falco mexicanus</td>
<td>Year-round</td>
</tr>
<tr>
<td>Red-headed Woodpecker</td>
<td>Melanerpes erythrocephalus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Rufous Hummingbird</td>
<td>Selasphorus rufus</td>
<td>Migrating</td>
</tr>
<tr>
<td>Sage Thrasher</td>
<td>Oreoscopetes montanus</td>
<td>Breeding</td>
</tr>
<tr>
<td>Short-eared Owl</td>
<td>Asio flammeus</td>
<td>Wintering</td>
</tr>
<tr>
<td>Swainson’s Hawk</td>
<td>Buteo swainsoni</td>
<td>Breeding</td>
</tr>
<tr>
<td>Virginia’s Warbler</td>
<td>Vermivora virginiae</td>
<td>Breeding</td>
</tr>
<tr>
<td>Western Grebe</td>
<td>Aechmophorus occidentalis</td>
<td>Breeding</td>
</tr>
<tr>
<td>Williamson’s Sapsucker</td>
<td>Sphyrapicus thyroides</td>
<td>Breeding</td>
</tr>
<tr>
<td>Willow Flycatcher</td>
<td>Empidonax traillii</td>
<td>Breeding</td>
</tr>
</tbody>
</table>
2.2.1.6 Land Cover
The land cover for the Project area was determined through a desktop analysis of the National Land Cover Database (Fry et al. 2011). The Project area lies within cover classes identified by the NLCD as cultivated cropland, hay/pasture, herbaceous, grasslands, woody and herbaceous wetlands, and developed and barren (Figure 2).

2.2.2 Field Survey Results
The field survey was completed on July 6 and 7, 2017. The following sections describe the results of this survey effort.

2.2.2.1 General Wildlife Resources
Biologists documented four of the nine general wildlife species identified as having potential to occur by CPW (Table 2) in the Project area including four black-tailed prairie dogs, one Great Blue Heron, five White Pelicans, and three wild turkeys. In addition, an eastern cottontail rabbit (Sylvilagus floridanus) was observed. Other avian species observed perched or flying in the Project area included Mallard (Anas platyrhynchos), American Crow (Corvus brachyrhynchos), Black-billed Magpies (Picea hudsonia), Red-wing Blackbird (Agelaius phoeniceus), Mourning Dove (Zenaida macroura), and Western Tanager, (Piranga ludoviciana). All of the bird species observed in the Project area are protected under the MBTA (USFWS 2013).

The mammals identified by CPW as having potential to occur in the Project area or identified during the survey are not restricted to the site and commonly have large home ranges. Rodent species are known to hibernate or become dormant for portions of the winter. Avian species may be migrants or residents of the Project area.

Activity in the Project area would temporarily displace wildlife and reduce available habitat for animals currently living in the Project area during active operations. Vegetation and preparation of work sites poses the greatest disruption to wildlife in the Project area. During vegetation clearing, a majority of individuals would move away from construction activities given the disruptive nature of these activities. Some individuals would either attempt to hide within the path of disturbance (e.g., small mammals or reptiles may attempt to burrow underground or remain motionless within the vegetation during clearing) or would be unable to relocate away from the disturbed area.

The Project is not expected to have significant impacts on migratory routes for avian resources. The Project is not within any known major avian migration corridors or stop-over sites, and would not impede flight for avian resources or prohibit stop-over in nearby areas. The Project may cause a minor temporary displacement in local food resources for carnivores as some small mammals and insects would be displaced or during construction. A slight decrease in available food for herbivores may also occur due to vegetation clearing.

Some species such as birds or ungulates would continue to use the Project area while project activities are underway. Noise and dust emissions during construction would also cause some wildlife to temporarily leave the Project area during construction. No long-term impacts to wildlife species are
expected by the Project. Permanent reclamation of the site will be reclaimed as two below-grade water storage reservoirs and a reclaimed upland meadow in the Project area. Native vegetation will be seeded and planted which will support wildlife species. Wildlife would be allowed to return to the Project area following mining operations. Overall wildlife and vegetation habitat is expected to improve compared to the habitat that currently exists. Available food for both herbivores and carnivores is expected to increase when the Project is completed because wildlife habitat and vegetation habitat is expected to improve.

2.2.2.2 Raptor Nest Survey Results

During the field surveys, two potential raptor nest sites were observed in the Project area (TM-UNK-01, TM-UNK-02) (Figure 1). The nests were not observed to be active during surveys. In addition, two Red-tailed Hawks were identified on several occasions flying over the Project area. Several large stands of deciduous trees with the potential to support raptor nests were observed throughout the Project area and within a 0.5 mile buffer of the Project area. The east side of the Project area in the riparian corridor along the South Platte River was noted to have a relatively high abundance of potential nesting sites.

2.2.2.3 Listed Species—Habitat Suitability Assessment Results

All federally listed species in the USFWS IPaC summary were determined to be unlikely to occur in the desktop analysis (Table 2). Field surveys confirmed the information provided in Table 3. Desktop analysis determined that there was potential for five state-listed species to occur or to have suitable habitat in the Project area. These five species included burrowing owl (ST), brassy minnow (ST), plains minnow (SE), suckermouth minnow (SE), and river otter (ST). The field survey effort documented suitable habitat for all five of the state listed species.

2.2.2.4 General Vegetation Results

The field survey identified 47 species of native and introduced plants within the Project area. These plant species are listed in Table 6.

### Table 6:
Vegetation Observed in the Project Area, July 6 and 7, 2017

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian knapweed</td>
<td>Acropition repens</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Crested wheatgrass</td>
<td>Agropyron cristatum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Desert madwort</td>
<td>Alyssum desertorum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Common ragweed</td>
<td>Ambrosia artemisifolia</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Perennial ragweed</td>
<td>Ambrosia psilostachya</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Pricklypoppy</td>
<td>Argemone hispida</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Smooth brome</td>
<td>Bromus inermis</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Downy brome</td>
<td>Bromus tectorum</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Plumeless thistle</td>
<td>Carduus acanthoides</td>
<td>Listed Noxious weed</td>
</tr>
<tr>
<td>Musk thistle</td>
<td>Carduus nutans</td>
<td>Listed Noxious weed</td>
</tr>
<tr>
<td>Diffuse knapweed</td>
<td>Centaurea diffusa</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Lambs quarters</td>
<td>Chenopodium album</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Oakleaf goosefoot</td>
<td>Chenopodium glaucum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Canada thistle</td>
<td>Cirsium arvense</td>
<td>Listed noxious weed</td>
</tr>
</tbody>
</table>
Table 6:  
Vegetation Observed in the Project Area, July 6 and 7, 2017

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian knapweed</td>
<td>Acroptilon repens</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Field bindweed</td>
<td>Convolvulus arvensis</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Horseweed</td>
<td>Conyza canadensis</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Barnyard grass</td>
<td>Echinocolla crus-gali</td>
<td>Introduced grass</td>
</tr>
<tr>
<td>Russian olive</td>
<td>Elagnus angustifolia</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Slender wheatgrass</td>
<td>Elymus trachycaulus</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Annual wheatgrass</td>
<td>Eremopyrum tritecum</td>
<td>Introduced grass</td>
</tr>
<tr>
<td>Leafy spurge</td>
<td>Euphorbia escula</td>
<td>Listed noxious weed</td>
</tr>
<tr>
<td>Broomweed</td>
<td>Gutierrezia sarostrae</td>
<td>Native shrub</td>
</tr>
<tr>
<td>Hairy false goldenaster</td>
<td>Heterotheca villosa</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Foxtail barley</td>
<td>Hordeum jubatum</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Baltic rush</td>
<td>Juncus balticus</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Kochia</td>
<td>Kochia scoparia</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Prickly lettuce</td>
<td>Lactuca seriola</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Clasping pepperweed</td>
<td>Lepedium perfoliatum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Whitetop</td>
<td>Lepidium draba</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>White horehound</td>
<td>Marrubium vulgare</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Scotch cottonthistle</td>
<td>Onopordum acanthium</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Reed canarygrass</td>
<td>Phalaris arundinaceae</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Annual rabbitsfoot grass</td>
<td>Polygonon monspeliensis</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Plains cottonwood</td>
<td>Populus deltoides ssp. Monolifera</td>
<td>Native tree</td>
</tr>
<tr>
<td>Curly dock</td>
<td>Rumex crispus</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Peach-leaf willow</td>
<td>Salix amygdaloides</td>
<td>Native tree</td>
</tr>
<tr>
<td>Coyote willow</td>
<td>Salix exigua</td>
<td>Native tree</td>
</tr>
<tr>
<td>Hardstem bulrush</td>
<td>Schoenoplectus acutus</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Common threesquare</td>
<td>Schoenoplectus pungens</td>
<td>Native herbaceous species</td>
</tr>
<tr>
<td>Tall tumblesmustard</td>
<td>Sisymbrium altissimum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Buffalo-bur</td>
<td>Solanum rostratum</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Tamarisk</td>
<td>Tamarix chinensis</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Dandelion</td>
<td>Taraxacum officiale</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Narrowleaf cattail</td>
<td>Typha angustifolia</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>Broad-leaf cattail</td>
<td>Typha latifolia</td>
<td>Introduced herbaceous species</td>
</tr>
<tr>
<td>American elm</td>
<td>Ulmus americana</td>
<td>Native tree</td>
</tr>
<tr>
<td>American speedwell</td>
<td>Veronica americana</td>
<td>Native herbaceous species</td>
</tr>
</tbody>
</table>

Seven main cover types were observed during the field survey and are shown in Figure 3: forested riparian floodplain, mowed grassland, fallow corn field, invasive annual grassland, invasive annual/biannual forbland, and riparian/ herbaceous wetland. Desktop analysis indicated that shortgrass prairie would be the dominant native ecosystem type in the Project area under natural conditions. No
areas with undisturbed shortgrass prairie were observed during the field survey. Elevation contours are shown in Figure 3 to illustrate the vegetation in relation to existing topography.

Table 7 lists each cover type, the dominant species present in each cover type, and the approximate height of the vegetation for each cover type.

**Table 7:**

<table>
<thead>
<tr>
<th>Cover Type</th>
<th>Total Acreage in Study Area</th>
<th>Percent of Study Area</th>
<th>Dominant Species Present (Approximate Height of Species in Cover Type)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forested Riparian floodplain</td>
<td>10.1</td>
<td>2.5</td>
<td>Plains cottonwood, peach-leaf willow, coyote willow (10-50 feet tall)</td>
</tr>
<tr>
<td>Mowed grassland</td>
<td>2.9</td>
<td>0.5</td>
<td>Poa sp. (3–6 inches tall)</td>
</tr>
<tr>
<td>Fallow corn field</td>
<td>30.3</td>
<td>12</td>
<td>Maize sp. (6–12 inches tall)</td>
</tr>
<tr>
<td>Invasive annual grassland</td>
<td>105.5</td>
<td>42</td>
<td>Slender wheatgrass, annual wheatgrass, smooth brome, downy brome, crested wheatgrass (6–36 inches tall)</td>
</tr>
<tr>
<td>Invasive annual/biannual forbland</td>
<td>92.2</td>
<td>36</td>
<td>Kochia, field bindweed, curly dock, lambs quarters (6–48 inches tall)</td>
</tr>
<tr>
<td>Riparian/herbaceous wetland</td>
<td>12.1</td>
<td>5</td>
<td>Narrowleaf cattail, broadleaf cattail, hardstem bulrush (3–8 feet tall)</td>
</tr>
<tr>
<td>Developed</td>
<td>4.9</td>
<td>2</td>
<td>N/A</td>
</tr>
</tbody>
</table>

2.2.2.5  Relationship of Present Vegetation Types to Soil Types

Soil types from the NRCS database (NRCS 2017) are shown in Figure 4. Table 8 describes the vegetation for each soil type denoted on the attached map.

**Table 8:**

<table>
<thead>
<tr>
<th>NRCS Soil Type</th>
<th>Acreage in Project area</th>
<th>Percent of cover in Project area</th>
<th>Cover type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loamy alluvial land, gravelly substratum</td>
<td>7.6</td>
<td>2.9</td>
<td>Fallow Corn Field</td>
</tr>
<tr>
<td></td>
<td>4.6</td>
<td>1.8</td>
<td>Forested Riparian Floodplain</td>
</tr>
<tr>
<td></td>
<td>71.0</td>
<td>27.5</td>
<td>Invasive Annual / Biannual Forbland</td>
</tr>
<tr>
<td></td>
<td>51.7</td>
<td>20.0</td>
<td>Invasive Annual Grassland</td>
</tr>
<tr>
<td></td>
<td>0.1</td>
<td>0.1</td>
<td>Mowed Grassland</td>
</tr>
<tr>
<td></td>
<td>3.0</td>
<td>1.2</td>
<td>Riparian / Herbaceous Wetland</td>
</tr>
<tr>
<td>Loamy alluvial land, moderately wet</td>
<td>16.7</td>
<td>6.5</td>
<td>Fallow Corn Field</td>
</tr>
<tr>
<td></td>
<td>17.0</td>
<td>6.6</td>
<td>Invasive Annual / Biannual Forbland</td>
</tr>
<tr>
<td></td>
<td>39.8</td>
<td>15.4</td>
<td>Invasive Annual Grassland</td>
</tr>
<tr>
<td></td>
<td>2.3</td>
<td>0.9</td>
<td>Mowed Grassland</td>
</tr>
<tr>
<td></td>
<td>1.6</td>
<td>0.6</td>
<td>Riparian / Herbaceous Wetland</td>
</tr>
<tr>
<td>Sandy alluvial land</td>
<td>6.0</td>
<td>2.3</td>
<td>Fallow Corn Field</td>
</tr>
<tr>
<td></td>
<td>4.2</td>
<td>1.6</td>
<td>Forested Riparian Floodplain</td>
</tr>
<tr>
<td></td>
<td>3.9</td>
<td>1.5</td>
<td>Invasive Annual / Biannual Forbland</td>
</tr>
</tbody>
</table>
### Table 8: Relationship Between Vegetation Types and Soils Types

<table>
<thead>
<tr>
<th>NRCS Soil Type</th>
<th>Acreage in Project area</th>
<th>Percent of cover in Project area</th>
<th>Cover type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.1</td>
<td>0.4</td>
<td>Invasive Annual Grassland</td>
</tr>
<tr>
<td></td>
<td>0.5</td>
<td>0.2</td>
<td>Mowed Grassland</td>
</tr>
<tr>
<td></td>
<td>1.0</td>
<td>0.4</td>
<td>Riparian / Herbaceous Wetland</td>
</tr>
<tr>
<td>Water</td>
<td>1.0</td>
<td>0.4</td>
<td>Forested Riparian Floodplain</td>
</tr>
<tr>
<td></td>
<td>4.8</td>
<td>1.9</td>
<td>Riparian / Herbaceous Wetland</td>
</tr>
<tr>
<td></td>
<td>4.5</td>
<td>1.8</td>
<td>Invasive Annual / Biannual Forbland</td>
</tr>
<tr>
<td></td>
<td>12.7</td>
<td>4.9</td>
<td>Invasive Annual Grassland</td>
</tr>
<tr>
<td></td>
<td>1.6</td>
<td>0.6</td>
<td>Riparian / Herbaceous Wetland</td>
</tr>
</tbody>
</table>

### 2.2.2.6 Listed Noxious Weed Inventory Results

Table 9 lists the seven species of state listed noxious weeds that were observed in the Project area during the field surveys. Four list B species were identified in the Project area and two List C noxious weeds were identified. Large infestations of downy brome were identified throughout the Project area.

#### Table 9: Noxious Weed Species Observed During Field Surveys

<table>
<thead>
<tr>
<th>Weed List (A, B, or C)</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>State Management Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>List A Weeds</td>
<td>None observed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>List B Weeds</td>
<td>Scotch cottonthistle</td>
<td><em>Onopordum acanthium</em></td>
<td>Contain: Figure 20.01</td>
</tr>
<tr>
<td></td>
<td>Russian-olive</td>
<td><em>Elaeagnus angustifolia</em></td>
<td>Eliminate by 2022</td>
</tr>
<tr>
<td></td>
<td>Musk thistle</td>
<td><em>Carduus nutans</em></td>
<td>Eliminate by 2022</td>
</tr>
<tr>
<td></td>
<td>Russian knapweed</td>
<td><em>Acroptilon repens</em></td>
<td>Contain: Figure 14.01</td>
</tr>
<tr>
<td>List C Weeds</td>
<td>Downy brome</td>
<td><em>Bromus tectorum</em></td>
<td>Control up to landowners’ discretion</td>
</tr>
<tr>
<td></td>
<td>Field bindweed</td>
<td><em>Convolvulus arvensis</em></td>
<td>Control up to landowners’ discretion</td>
</tr>
</tbody>
</table>

Source: CDA (2017b)

1 List B: the state of Colorado and Adams County have developed noxious weed management plans to stop the continued spread of these species. Figure numbers refer to containment maps included in the 2015 Noxious Weed Act—Rules and Regulation Containment Figures by Counties (CDA 2017b.) List C: widespread and well-established noxious weed species for which control is recommended but not required by the state.

### 3. Conclusions

This biological resources assessment evaluated major categories of resources including special status species, general wildlife and vegetation, and state listed noxious weeds. The special status species included assessment of federal and state listed species, raptors, and migratory birds.
3.1 Federal and State Listed Species

No federal listed species were determined to have suitable habitat in the Project area. Five state-listed species were determined to have suitable habitat and potential to occur within the Project area including burrowing owl (ST), brassy minnow (ST), plains minnow (SE), suckermouth minnow (SE), and river otter (ST). These species are protected against take under CRS 33-2-105. Species-specific mitigation measures for each species are described in Section 2.2.1.4 and are summarized in Table 10 below. All state threatened and state endangered species within the Project area will be protected against take under CRS 33-2-105.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Status</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burrowing Owl</td>
<td>Athene cunicularia</td>
<td>ST</td>
<td>Pre-construction surveys for burrowing owls according to CPW-recommended survey protocol would be conducted in these locations if construction occurs during the burrowing owl breeding season (March 15–October 31). If nesting owls are observed, the nesting location will be documented and the CPW-recommended seasonal 150-foot non-encroachment buffer will be implemented to minimize the potential for species harassment.</td>
</tr>
<tr>
<td>Brassy minnow</td>
<td>Hybognathus hankinsoni</td>
<td>ST</td>
<td>These have potential to occur in perennial and intermittent waters intersected by the Project. Perennial and intermittent streams in the Project area will be avoided. No impacts to these species are expected.</td>
</tr>
<tr>
<td>Plains Minnow</td>
<td>Hybognathus placitus</td>
<td>SE</td>
<td></td>
</tr>
<tr>
<td>Suckermouth Minnow</td>
<td>Phenacobius mirabilis</td>
<td>SE</td>
<td></td>
</tr>
<tr>
<td>River Otter</td>
<td>Lontra canadensis</td>
<td>ST</td>
<td>The Project would avoid direct impacts to the river otter and impacts to potential river otter breeding habitat along the South Platte River and its associated riparian area including potential natal dens for the river otter. No impacts to the South Platte River, the river otter, or its habitat is anticipated.</td>
</tr>
</tbody>
</table>

3.2 Migratory Birds

Two potential raptor nests were observed in the Project area during the raptor nest survey. Neither were confirmed to be active at the time of the survey. Nest surveys will be completed prior to the first year of construction during the winter months prior to leaf-out of trees in the Project. If an active raptor nest is encountered during pre-construction surveys, AI will follow the recommendations of CPW’s “Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors” (CPW 2008) Construction disturbance is not expected to affect raptors to the extent that injury, loss of productivity, or nest abandonment occurs. All migratory birds within the Project area will be protected against take under the MBTA.

3.3 Vegetation Resources

The field survey identified 47 species of native and introduced plants within the Project area. Seven main cover types were observed during the field survey and are shown in Figure 3: forested riparian floodplain, mowed grassland, fallow corn field, invasive annual grassland, invasive annual/biannual forbland, and
riparian/herbaceous wetland. Shortgrass and prairie would be the dominant native ecosystem type in the Project area under natural conditions, which were not observed during the field survey.

3.4 Listed Noxious Weeds

Four List B species were identified in the Project area and two List C noxious weeds were identified. No large infestations of noxious weeds were identified. Adams County has listed Russian olive and musk thistle for eradication by 2022. Downy brome, in particular, was observed in several large dense patches. Tetra Tech recommends consultation with the Adams County noxious weed coordinator to determine requirements for control of noxious weeds prior to construction.
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Figures


Figure 3
Survey Results - Vegetation
Adams County, CO
September 2018

Legend

Project Area
USGS 10-foot Elevation Contour

Vegetation Communities
Forested Riparian Floodplain
Mowed Grassland
Fallow Corn Field
Invasive Annual Grassland
Invasive Annual / Biannual Forbland
Riparian / Herbaceous Wetland

Hydrology
Perennial Stream
Intermittent Stream
Canal/Ditch

Transportation
State Highway
Local Road

Tuscon South Mine Project

Adams County, CO
September 2018
Tuscon South Mine Project

Figure 4
NRCS Soil Types
Adams County, CO
September 2018

Legend

Soil Types
- Loamy alluvial land, gravelly substratum
- Loamy alluvial land, moderately wet
- Sandy alluvial land
- Terrace escarpments
- Water
- Wet alluvial land

(NHD) Hydrology
- Perennial Stream
- Intermittent Stream
- Canal/Ditch

Transportation
- State Highway

Scale is 1:3,200 when printed at 22x34"
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Attachment 1:
Adams County Weed Plan
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RESOLUTION ADOPTING REVISIONS TO THE ADAMS COUNTY NOXIOUS WEED MANAGEMENT PLAN

WHEREAS, the Board of County Commissioners, County of Adams, State of Colorado, is a local governing body responsible for implementation of the Colorado Noxious Weed Act; and,

WHEREAS, the Colorado Noxious Weed Act, C.R.S. § 35-5.5-107(4)(a) et seq., provides that the management plan shall be reviewed at regular intervals but not less often that once every three years by the local advisory board; and,

WHEREAS, a revised plan was developed by the Department of Parks and Community Resources and the Adams County Weed Advisory Board consistent with the Act; and,

WHEREAS, the Adams County Noxious Weed Management Plan is amended to revise sections that are in conflict with current law; and,

WHEREAS, the Board of County Commissioners have the authority to approve, modify, or reject any amendments made to the weed management plan,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Adams, State of Colorado, that the Adams County Noxious Weed Management Plan be amended as follows.

1. Appendix A will include Colorado State List A, B, and C noxious weeds, and specific management objectives.

2. Appendix B will include the Adams County Enforcement Policy.

3. Adams County Noxious Weed “B” List species include: Japanese Knotweed, Polygonum cuspidatum and Common Reed, Phragmites australis. All previous Adams County designated noxious weeds, and their management objectives have been assimilated by new state weed laws.
Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Nichol____________________ Aye
Pace____________________ Aye
Fischer____________________ Aye

Commissioners

STATE OF COLORADO )
County of Adams )

I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 5th day of May, A.D. 2008.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Karen Long:

By:

Deputy
Adams County Noxious Weed Management Plan

Table of Contents

I. Introduction
   A. Purpose Of This Plan ................................................................. 3
   B. Enactment Authority ................................................................. 3
   C. Jurisdiction And Scope Of Plan .................................................. 3
   D. Definitions ............................................................................. 4

II. Designation of Noxious Weeds
   A. State Listed Noxious Weeds ...................................................... 6
      1. List A Species ........................................................................... 6
      2. List B Species ........................................................................ 7
      3. List C Species ........................................................................ 7
   B. County Noxious Weeds ............................................................. 8

III. Objectives and Goals
   A. Objectives ............................................................................... 8
   B. Goal ....................................................................................... 8

IV. Plan Components
   A. Prevention Measures .............................................................. 9
   B. Educational Programs ............................................................. 9
   C. Mapping ................................................................................... 10
   D. Intergovernmental Agreements and Contracts ........................................ 10
   E. Management Plan Evaluation ...................................................... 10

V. Enforcement
   A. Private Landowner ................................................................. 10

VI. Appendices
   A. Adams County Noxious Weed Enforcement Policy ....................... 10
   B. State Guidelines and Management Strategies .................................... 25
      1. Definitions ............................................................................. 25
      2. General Provisions ............................................................... 25
      3. List A Noxious Weed Management Objectives ............................. 26
      4. List B Noxious Weed Management Objectives ............................. 28
      3. List C Noxious Weed Management Objectives ............................. 30
Adams County

2008 Noxious Weed Management Plan

I. Introduction

A. Purpose of This Plan

The purpose of this Adams County Noxious Weed Management Plan is to provide guidelines for effectively managing designated noxious weeds, which constitute a present threat to the natural resources of lands in unincorporated Adams County. This plan implements the mandates of the Colorado Noxious Weed Act (also referred to herein as the Act) and 8CCR1206-2, revisions to the Act (also referred to herein as part of the Act). Specific management practices, directed by the Act are integrated in the County plan. Educational outreach, preventive measures, and good stewardship components are also included. It is this plan’s intent to incorporate those options that are the least environmentally damaging, yet practical, timely, and economically feasible.

B. Enactment Authority

The Colorado Noxious Weed Act (C.R.S. §35-5.5-101, et seq.) was signed into state law in 1990, amended in 1996 and revised in 2003. The Act states that certain noxious weeds pose a threat to the natural resources of Colorado. It also states that it is the duty of all persons to use integrated methods to manage noxious weeds if the same are likely to be materially damaging to the land of neighboring landowners. It further directs that the Board of County Commissioners of each county in the state shall adopt a Noxious Weed Management Plan for all unincorporated land within the county.

The Act directs the Board of County Commissioners to appoint a local advisory board, whose power and duties are threefold:

1. Develop recommended management criteria and integrated weed management plans for managing designated noxious weeds;
2. Declare noxious weeds and any state noxious weeds designated by rule to be subject to integrated management; and
3. Recommend to the Board of County Commissioners that certain landowners be required to submit integrated weed management plans for managing designated noxious weeds on their properties.

The jurisdictional area of the Adams County Board of Commissioners is all of the unincorporated lands within the County. This plan shall be referred to as the Adams County Noxious Weed Management Plan, or the County Management Plan (CMP). It was developed by the Adams County Weed Advisory Board (also referred to herein as County Advisory Board).

C. Jurisdiction and Scope of Plan

This plan shall apply to all subject lands within Adams County. It does not preclude the County from entering into intergovernmental agreements with other governmental entities towards managing noxious weeds under the Colorado Noxious Weed Act. The Adams County Weed Office (referred to herein as the Weed Office) is aware that the Federal Noxious Weed Act (1974), as amended by Section 15 (management
of Undesirable plants on Federal Lands (1990)), directs federal agencies to have an office or person trained to coordinate a noxious weed management program, to adequately fund the program, to implement cooperative agreements and to conduct integrated weed management. It also directs that such agencies manage on Federal lands those designated noxious weeds on Federal lands within the county.

The Weed Office recognizes that a Memorandum of Agreement regarding noxious weed management was signed in Colorado in 1996 among 13 federal and state agencies with land management and natural resource protection responsibilities.

D. Definitions

The following definitions shall apply to terms used in this plan:

1. “Act”: the Colorado Noxious Weed Act, Article 5.5 of Title 35, C.R.S. § 35-5.5-101, et seq., as amended.
2. “CMP”: the Adams County Noxious Weed Management Plan, and as further defined under “Management Plan” below.
3. “County”: the unincorporated areas of the County of Adams (Adams County) which are owned and managed by Adams County.
4. “County Advisory Board”: the individuals appointed by the Board of County Commissioners, Adams County, to serve on the Adams County Weed Advisory Board and advise the County on matters of management of noxious weeds.
5. “IMP”: an individual noxious weed management plan, as further defined under “Management Plan” below.
6. “Infestation”: to have overrun or inhabit, so as to be harmful or bothersome.
7. “Integrated Management”: the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques:
   (a) “Biological management”: which means the use of an organism to disrupt the growth of noxious weeds.
   (b) “Chemical management”: which means the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.
   (c) “Cultural management”: which means methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an area, planting at optimum density and spatial arrangement in an area and planting species most suited to an area.
(d) "Mechanical management": which means methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing and grazing.

8. "Landowner": any owner of record of federal, tribal, state, county, municipal or private land.

9. "Local advisory board": The Adams County Noxious Weed Management Advisory Board are those individuals appointed by the Adams County Board of Commissioners to advise on matters of noxious weed management.

10. "Local governing body": The Adams County Board of Commissioners.

11. "Local Noxious Weed": any plant of local importance which has been declared a noxious weed by the Commissioners.

12. "Management": any activity that prevents a plant from establishing, reproducing, or dispersing itself.

13. "Management objective": means the specific, desired result of integrated management efforts and includes:

(a) "Eradication": which means reducing the reproductive success of a noxious weed species or specified noxious weed population in largely un-infested regions to zero and permanently eliminating the species or population within a specified period of time. Once all specified weed populations are eliminated or prevented from reproducing, intensive efforts continue until the existing seed bank is exhausted.

(b) "Containment": which means maintaining an intensively managed buffer zone that separates infested regions, where suppression activities prevail, from largely un-infested regions, where eradication activities prevail.

(c) "Suppression": which means reducing the vigor of noxious weed populations within an infested region, decreasing the propensity of noxious weed species to spread to surrounding lands, and mitigating the negative effects of noxious weed populations on infested lands. Suppression efforts may employ a wide variety of integrated management techniques.

(d) "Restoration": which means the removal of noxious weed species and reestablishment of desirable plant communities on lands of significant environmental or agricultural value in order to help restore or maintain said value.

14. "Management Plan": a noxious weed management plan developed by any person, or the Local Advisory Board, using integrated management. The “County Management Plan” (CMP, or this plan) shall refer to the integrated management plan adopted by the County Advisory Board for the subject lands. An “Individual Management Plan” (IMP) shall refer to an integrated management plan for a specific property or group of properties as submitted by a landowner(s), and approved by the County Advisory Board, or its designated agent.

15. "Noxious Weed": an alien plant or parts of an alien plant that has been designated by rule as being noxious or has been declared a noxious weed by the Colorado Agriculture Commissioner, or Adams County Board of Commissioners, and meets one or more of the following additional criteria:

(a) Aggressively invades or is detrimental to economic crops or native plant communities;

(b) Is poisonous to livestock;
(c) Is a carrier of detrimental insects, diseases, or parasites;

The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

16. “Person” or “Occupant”: an individual, partnership, corporation, association, or federal, state, or local government or agency owning, occupying, or controlling any land, easement, or right-of-way, including but not limited to any city, county, state, or federally owned and controlled highway, drainage, or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

17. “Weed Supervisor”: the agent or employee designated by the Board of County Commissioners to carry out the Noxious Weed Management Plan for Adams County.

II. Designation of Noxious Weeds

A. State-Listed Noxious Weeds

State noxious weed list and rules and regulations under the Act are developed by the Commissioner of the Colorado Department of Agriculture (CDA). The most recent changes made to the Act pertain to the classification of noxious weeds into one of several categories. The categories include the A, B, and C Lists. List A: “Rare noxious weed species that are subject to eradication wherever detected statewide in order to protect neighboring lands and the state as a whole”. The Weed Office will monitor and comply with any amendments to the rules and regulations. Any weeds designated by the Colorado Noxious Weed Act for eradication containment, or suppression are automatically included in the Adams County Weed Management Plan. The Act is subject to continuous revision and the Adams County Weed Plan will be updated no less than every three years. See Appendix B for the Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act.

1. State of Colorado A List Noxious Weeds

African rue, (Peganum harmala)
Camelthorn, (Alhaji pseudalhagi)
Common crupina, (Crupina vulgaris)
Cypress spurge, (Euphorbia cyparissias)
Dyer’s woad, (Isatis tinctoria)
Giant salvinia, (Salvinia molesta)
Hydrilla, (Hydrilla verticillata)
Meadow knapweed, (Centaurea pratensis)
Mediterranean sage, (Salvia aethiopis)
Medusahead, (Taeniatherum caput-medusae)
Myrtle spurge, (Euphorbia myrsinites)
Orange hawkweed, (Hieracium aurantiacum)
Purple loosestrife, (Lythrum salicaria)
Rush Skeletonweed, (Chondrilla juncea)
Sericea lespedeza, (Lespedeza cuneata)
Squarrose knapweed, (Centaurea virginiana)
Tansy ragwort, (Senecio jacobaea)
Yellow starthistle, (Centaurea solstitialis)

2. State of Colorado B List Noxious Weed Species
Absinth wormwood, (Artemisia absinthium)
Black henbane, (Hyoscyamus niger)
Bouncingbet, (Saponaria officinalis)
Bull thistle, (Cirsium vulgare)
Canada thistle, (Cirsium arvense)
Chinese clematis, (Clematis orientalis)
Common tansy, (Tanacetum vulgare)
Common teasel, (Dipsacus fullonum)
Corn chamomile, (Anthemis arvensis)
Cutleaf teasel, (Dipsacus laciniatus)
Dalmatian toadflax, broad-leaved (Linaria dalmatica)
Dalmatian toadflax, narrow-leaved (Linaria genistifolia)
Dame’s rocket, (Hesperis matronalis)
Diffuse knapweed, (Centaurea diffusa)
Eurasian water milfoil, (Myriophyllum spicatum)
Hoary cress, (Cardaria draba)
Houndstongue, (Cynoglossum officinale)
Leafy spurge, (Euphorbia esula)
Mayweed chamomile, (Anthemis cotula)
Moth mullein, (Verbascum blattaria)
Musk thistle, (Carduus nutans)
Oxeye daisy, (Chrysanthemum leucanthemum)
Perennial pepperweed, (Lepidium latifolium)
Plumless thistle, (Carduus acanthoides)
Quackgrass, (Elytrigia repens)
Redstem filaree, (Erodium cicutarium)
Russian knapweed, (Acroptilon repens)
Russian-olive, (Elaeagnus angustifolia)
Salt cedar, (Tamarix chinensis, T. parviflora, and T. ramosissima)
Scentless chamomile, (Matricaria perforata)
Scotch thistle, (Onopordum acanthium)
Scotch thistle, (Onopordum tauricum)
Spotted knapweed, (Centaurea maculosa)
Spurred anoda, (Anoda cristata)
Sulfur cinquefoil, (Potentilla recta)
Venice mallow, (Hibiscus trionum)
Wild caraway, (Carum carvi)
Yellow nutsedge, (Cyperus esculentus)
Yellow toadflax, (Linaria vulgaris)

Chicory (Cichorium intybus)
Common burdock (Arctium minus)
Common mullein (Verbascum thapsus)
Common St. Johnswort (Hypericum perforatum)
Downy brome (Bromus tectorum)
Field bindweed (Convolvulus arvensis)
Halogeton (Halogeton glomeratus)
Johnsongrass (Sorghum halepense)
Jointed goatgrass (Aegilops cylindrica)
Perennial sowthistle (Sonchus arvensis)
Poison hemlock (Conium maculatum)
Puncturevine (Tribulus terrestris)
Velvetleaf (Abutilon theophrasti)
Wild proso millet (Panicum miliaceum)

B. County Designations

The law defines noxious weeds as plant species that are not indigenous (native) to the state of Colorado and meet at least one of several criteria regarding their negative impacts upon crops, native plant communities, livestock, and the management of natural or agricultural systems. This definition applies to species listed by both state and local governing bodies. A local governing body may also adopt eradication, containment, or suppression standards that are more stringent than the standards adopted by the Colorado Department of Agriculture Commissioner. Any species subject to designation require a public hearing before the County Commissioners prior to being granted noxious status. All impacted landowners must be notified.

1. County Designated B List species:
   - Japanese knotweed, (Polygonum cuspidatum)
   - Common Reed, (Phragmites australis)

III. Objectives and Goals

A. Objectives

The objectives of this CMP are to:

1. Develop and implement integrated management programs for noxious weeds on County owned open space properties, easements and Rights-of-way.
2. Continue and improve educational programs that will effectively communicate noxious weed impacts and management methods.
3. Offer to provide landowners/occupants with technical support in establishing their I.M.Ps.
4. Work with state and federal agencies towards establishing effective integrated noxious weed management programs on their properties.
5. Outline processes for enforcing control of noxious weeds on private and public properties.
6. Select control methods according to 8 CCR1206-2 for A, B and C list species and for non-listed weeds select control methods that are practical, economically reasonable and least environmentally damaging.
B. Goals

1. Educate landowners/occupants and county employees on weed awareness, prevention, identification, containment and eradication strategies consistent with state statutes.

2. Concentrate on early detection and control of new noxious weed infestations.

3. Maintain a current noxious weed infestation map.

4. Develop and coordinate with Natural Resource Analyst, integrated weed management plans for open space properties, and easements and evaluate results annually.

5. Establish contact with landowners/occupants who have noxious weed infestations.

6. Protect native ecosystems from degradation by noxious weed infestations.

7. Work pro-actively with federal, state and local agencies, to manage noxious weeds on a regional scale.

8. Monitor county right-of-ways for new invaders and to evaluate right of way maintenance needs.

9. Maintain application, records and training requirements for seasonal staff.

IV. Plan Components

A. Prevention Measures

Preventive control involves use of measures that will prevent the introduction or establishment of noxious weeds into areas not currently infested with noxious weeds. Prevention also includes the eradication of small, new infestations. These measures usually are the most practical and cost-effective means of integrated weed management.

Preventive measures that have applicability to the subject lands are: 1) using weed-free seed and mulch, 2) promoting the Colorado Weed Free Hay and Forage program, 3) prioritizing weed management areas along routes of entry and dispersal, and 4) monitoring noxious weed infestations in bordering counties.

With regard to measure number 3, the Weed Inspector and Public Works Department will control noxious weeds on County rights-of-way from May through October. Public education programs will emphasize weed infestation prevention. Sites found to have small infestations of a new, uncommon noxious weed will be given high priority for management purposes. A coordinated control effort with private landowners will be organized, where applicable. The Colorado Department of Transportation, railroad and ditch companies, and the Rocky Mountain Arsenal will be contacted. They will be encouraged to prevent noxious weed infestations, and to manage and prevent the spread of existing infestations.

B. Educational Programs

1. Education of the public is a key component of integrated weed management. Emphasis will be made on continuing and expanding educational noxious weed programs, such as the following:

2. Timely media articles concerned with noxious weed identification and management. Emphasis will be made of the alien origin of noxious weeds and the consequences of not managing them.

3. Via the media and seminars, offer the assistance of the County Weed and Cooperative Extension offices in weed management and IMP matters.

4. Conduct landowner/occupant noxious weed management seminars or talks.

5. Distribute educational brochures and field visitor’s questions at local fairs and events.
6. Conduct noxious weed identification, management, and awareness seminars with county parks and public works personnel.
7. Utilize Extension Fact Sheets when possible. Prepare informational brochures on integrated noxious weed management for the public. Make herbicide labels available at public and educational events.
8. Initiate and conduct test plots on integrated noxious weed management. Hold field days addressing same.

C. Mapping
Mapping is a valuable tool in integrated weed management. As such, the Weed Inspector will establish and maintain visual maps of past and current infestations of noxious weeds on subject land. From these, a graphic representation of weed management progress and needs will be evident.

The primary goal of mapping is to record the noxious weed species present, the area infested, density of the infestation, soil types, groundwater depth, and other site factors pertinent to managing the infestation successfully.

D. Intergovernmental Agreements and Contracts
Intergovernmental Agreements (IGAs) and contracts are useful tools towards more effective noxious weed management among agencies and governments. Through cooperation, more is understood and more is done. Towards this end, the Weed Inspector will contact certain entities concerning compliance with the Act. Contracts and IGAs will be encouraged towards cooperative efforts in managing noxious weeds. Assistance will be offered towards helping each agency developing IMPs for their lands. The following organizations will be contacted:

- Colorado State Department of Transportation
- Colorado State Department of Parks and Recreation
- Colorado Division of Wildlife
- Colorado State Land Board
- County municipalities
- Rocky Mountain Arsenal
- Any other organizations when applicable.

E. Roads
Right-of-Ways (ROW) are inspected and noxious weed infestations treated on an annual basis. Since roads are a primary source of seed spread and new invader introductions, inspections and rapid response are critical in reducing future impacts. County responsibilities are outlined in the Act. The Weed supervisor works closely with Public Works and the Colorado Department of Transportation to coordinate activities and communicate in the management of noxious weeds along county ROWs. The County maintains a contract with a private applicator for weed control along state highways.

F. Management Plan Evaluation
The goals and plan of work in this CMP will be reviewed and evaluated at the regular meetings of the County Advisory Board. Any proposed additions or changes shall be approved by the County Advisory Board and the Board before becoming final.
The full CMP shall be reviewed and amended, as needed, at least every three years (C.R.S. 35-5.5-107(4a)).

V. Enforcement

A. Noxious Weed Management on Private Properties

Cooperation from all landowners/occupants regarding timely noxious weed management will be encouraged via positive communication and education efforts. The Weed Office or its agent will continue to apply herbicides to a limited acreage of noxious weeds on private lands by landowner or tenant request, consistent with County policies. Where noxious weeds are still found, an enforcement process will be initiated to ensure control of the weeds.

The Adams County enforcement process is available for public review in Appendix A. The process is subject to change as a result of any revisions made to the Act, or from any judicial decision that affects the process.

It is desirable that the Weed Office have work priorities with regard to enforcement activities on subject lands. This is due to the size of the subject area and to the number of landowners with existing noxious weed infestations. The following list prioritizes enforcement:

Complaint properties
Enforcement regions as mapped by the Weed Office.
Lands bordering waterways (e.g. ditches, canals, rivers, creeks)
APPENDICES

APPENDIX A

ADAMS COUNTY NOXIOUS
WEED ENFORCEMENT POLICY
PURSUANT TO
THE COLORADO NOXIOUS WEED ACT

PART 1
GENERAL PROVISIONS

Section 101. Title

This Policy shall be known as and be referred to as the “Adams County Noxious Weed Enforcement Policy” and shall be effective throughout the unincorporated areas of Adams County.

Section 102. Definitions

(1) “Act” means the Colorado Noxious Weed Act.

(2) “Integrated management” means the planning and implementation of a coordinated program utilizing a variety of methods for managing noxious weeds, the purpose of which is to achieve desirable plant communities. Such methods may include but are not limited to education, preventive measures, good stewardship, and the following techniques:

(a) “Biological management” which means the use of an organism to disrupt the growth of noxious weeds.

(b) “Chemical management” which means the use of herbicides or plant growth regulators to disrupt the growth of noxious weeds.

(c) “Cultural management” which means methodologies or management practices that favor the growth of desirable plants over noxious weeds, including maintaining an optimum fertility and plant moisture status in an

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1 C.R.S. § 35-5.5-103
area, planting at optimum density and spatial arrangement in an area, and planting species most suited to an area.

(d) "Mechanical management" which means methodologies or management practices that physically disrupt plant growth, including tilling, mowing, burning, flooding, mulching, hand-pulling, hoeing, and grazing.

(3) "Landowner" means any owner of record of state, municipal, or private land and includes an owner of any easement, right-of-way, or estate in the land.

(4) "Local advisory board" means the Adams County Weed Advisory Board and are those individuals appointed by the local governing body to advise on matters of noxious weed management.

(5) "Local governing body" means the Adams County Board of County Commissioners.

(6) "Management" means any activity that prevents a plant from establishing, reproducing, or dispersing itself.

(7) "Management plan" means the noxious weed management plan developed by any person or the local advisory board using integrated management.

(8) "Noxious Weed" means an alien plant or parts of an alien plant that has been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

(a) Aggressively invades or is detrimental to economic crops or native plant communities;

(b) Is poisonous to livestock;

(c) Is a carrier of detrimental insects, diseases, or parasites;

(d) The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural
or agricultural ecosystems.

(9) “Noxious weed management” means the planning and implementation of an integrated program to manage noxious weed species.

(10) “Occupant” means an individual, partnership, corporation, association, or federal, state, or local government or agency thereof owning, occupying, or controlling any land, easement, or right-of-way, including any city, county, state, or federally owned and controlled highway, drainage, or irrigation ditch, spoil bank, borrow pit, gas and oil pipeline, high voltage electrical transmission line, or right-of-way for a canal or lateral.

(11) “Weed Office” means the Adams County Weed Office which is a delegate of the local governing body.

Section 103. Scope and Effect of Policy - Exceptions to Provisions

(1) The provisions of this Policy relate to the general assembly’s findings that noxious weeds have become a threat to the natural resources of Colorado and that an organized and coordinated effort must be made to stop the spread of noxious weeds.

(2) This Policy facilitates a coordinated effort through the local advisory board that develops and oversees plans for the control of noxious weeds.

(3) This Policy further recognizes that because the spread of noxious weeds can largely be attributed to the movement of seed and plant parts on motor vehicles and noxious weeds are becoming an increasing maintenance problem on highway right-of-ways in the state, local cooperative efforts have been undertaken to proceed with noxious weed management.

(4) This Policy is designed in accordance with the statutory provisions of Colorado Revised Statutes section 35-5.5-101 et seq., as amended and more commonly referred to as the Colorado Noxious Weed Act.

(a) The provisions of this Policy do not interpret, apply, or incorporate any provisions of the Colorado Pest Control District Act, codified at C.R.S. § 35-5-101 et seq.

PART 2
IDENTIFICATION AND INSPECTION OF NOXIOUS WEEDS

1 C.R.S. § 35-5.5-102(1.5)
Section 201. Methods of Identification\(^1\)

(1) Private and Public Lands

(a) The local governing body, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands, or places whether public or private, during reasonable business hours for the purpose of inspecting for the existence of noxious weed infestations, when at least one of the following has occurred:

(i) The landowner or occupant has requested an inspection;

(ii) A neighboring landowner or occupant has reported a suspected noxious weed infestation and requested an inspection; or

(iii) An authorized agent of the local government has made a visual inspection from a public right-of-way or area and has reason to believe that a noxious weed infestation exists;

(iv) A Weed Office agent has inspected a current aerial satellite map of the property and determined there is reason to believe that a noxious weed infestation exists.

(2) Where entry onto private premises is required to investigate the existence of noxious weeds, on-site inspections may be scheduled at any reasonable time upon the landowner or occupant’s consent. If after notification landowner or occupant denies access to the inspector, the inspector may seek an inspection warrant issued by a municipal, county or district court having jurisdiction over the land.

PART 3 NOTICE OF EXISTENCE OF NOXIOUS WEEDS.

Section 301. Notice Letter (See Attachment A)

(1) Private Lands\(^2\)

(a) The Weed Office, acting as agent, delegate, or staff of the local governing body has the authority to notify the landowner or occupant of the presence of noxious weeds. The Notice from the Weed Office includes the following:

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\(^1\) C.R.S. § 35-5.5-109(1)

\(^2\) Id. at (3)
(i) the property inspection date;

(ii) the Landowner and/or Occupant of Record;

(iii) the property tax ID number and legal description of the property;

(iv) the noxious weeds to be managed;

(v) advisement to the landowner or occupant to manage the noxious weeds within ten days after receipt of notice;

(vi) the best available control methods of integrated management;

(vii) the options of notice compliance;

(viii) the consequences for non-compliance with the notice; and

(ix) an offer of weed office consultation in Management Plan Development; and

(x) notice of Landowner and/or Occupant’s right to request hearing before the Local governing body; and

(xi) statement that Weed Office will seek Right of Entry from Local government body to enter property and manage identified noxious weeds unless Landowner and/or Occupant complies with notice or submits a written request for public hearing before Local governing body within ten days.
Public Lands

(a) The local governing body may give notice to any state board, department, or agency that administers or supervises state lands within the local governing body's jurisdiction, to manage noxious weeds on its land and naming them.

(i) Such notice shall specify the best available method(s) of integrated management and will include the same information as itemized in Section 301(1) of this Policy.

(b) Wherever possible, the local governing body shall consult with the affected state board, department, or agency in the development of a plan for the management of noxious weeds on the premises or lands.

Section 302. Duty to Consult

Where possible, the Weed Office shall consult with the affected landowner or occupant in the development of a plan for the management of noxious weeds on the premises or lands.

Section 303. Public and Private Lands - Landowner or Occupant Response

(1) Landowner or occupant shall respond within a reasonable time after receipt of notification, not to exceed ten (10) days, by any of the following:

(a) Complying with the terms of the notification.

(b) Acknowledging the terms of the notification and submitting an acceptable plan and schedule for the completion of the plan for compliance.

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1 C.R.S. § 35-5.5-110(1)
2 Id. at (4)(a); C.R.S. §35-5.5-110(2)(a)
(c) Requesting an arbitration panel to determine the final management plan. The panel shall be selected by the local governing body and shall include:

(i) A weed management specialist or weed scientist.

(ii) A landowner of similar land in the same county.

(iii) A third member chosen by agreement of the first two panel members.

The landowner or occupant is entitled to challenge any one member of the panel, and the local governing body shall name a new panel member from the same category. The decision of the arbitration panel shall be final.

(d) Requesting a public hearing before the Local governing body.

PART 4
PUBLIC HEARING
UPON LANDOWNER OR OCCUPANT’S REQUEST- PRIVATE LANDS

Section 401. Landowner/Occupant Request for Public Hearing

(1) In the event the landowner or occupant disputes the noxious weed notice or the Weed Office’s process for managing or compelling the management of the identified noxious weeds, the Landowner or Occupant is entitled to a public hearing before the Local governing body. Requests for public hearing must be made to the Weed Office in writing within ten (10) days of receipt of the noxious weed notice letter. Public hearings will be scheduled and heard within thirty (30) days of the request.

Section 402. Scheduling Public Hearings

(1) It is the Weed Office’s responsibility to schedule a public hearing before the local governing body and to give notice to the landowner or occupant of the date, time, and location of the hearing. The following materials must be submitted to the local governing body prior to the hearing:
Section 403.

Public Hearing

(1) The Landowner or Occupant, or an attorney representing such individual or entity, will be allowed to present evidence on landowner or occupant’s behalf.

(2) A member of the Weed Office will need to be present at the public hearing to present evidence as to why the Weed Office should be allowed to enter the property and eradicate the noxious weeds.

(3) The local governing body may either grant or deny the Weed Office’s request for Right of Entry, or continue the matter to a subsequent date certain. (See Attachment F) Right of Entry may be granted for the limited purpose of allowing the Weed Inspector or his/her agent to enter onto private property to control the identified noxious weeds.

(4) Right of Entry may be granted upon satisfaction of the following conditions:

a. Adequate notice of the noxious weed infestation has been given to the landowner and/or tenant;

b. The landowner/tenant has not complied with the notice;

c. Management of the noxious weeds by the Weed Inspector or his/her agent is likely to prevent further noxious weed infestation.
Reasonable efforts will be made to notify landowners/occupants when a Right of Entry has been issued, and copy of the Right of Entry will be sent to the landowner/tenant via certified and regular mail.

Section 404. Restrictions

No management of noxious weeds on private property shall occur without applying the same or greater management measures to any land or rights-of-way owned or administered by the local governing body that are adjacent to the private property.

PART 5
FAILURE TO COMPLY - PUBLIC LANDS

Section 501. General

In the event the state board, department, or agency fails to comply with the notice to manage the identified noxious weeds or implement the plan developed by the arbitration panel, the local governing body in whose jurisdiction the infestation is located may enter upon such lands and undertake the management of such noxious weeds or cause the same to be done.

Section 502. Scheduling and Hearing

The state board, department, or agency owning or occupying said public lands is afforded the same Scheduling and Hearing protections as provided to landowners or occupants of private lands under Sections 402 and 403 of this Policy.

PART 6
POST-HEARING
ASSESSMENT OF COSTS
FOR TREATMENT AND ERADICATION
OF NOXIOUS WEEDS

Section 601. General

If, after public hearing, the local governing body, the local advisory board, or its agents and employees provide for and/or compel the management of such noxious weeds, the local governing body is entitled to recover certain costs.

Section 602. Private Lands - Recoverable Costs/Method of Collection

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1 Id. at (5)(b)
2 C.R.S. § 35-5.5-110(3)
3 C.R.S. § 35-5.5-109(5)(a)(II)
Section 603. Landowner or Occupant Protest

(1) The Weed Office shall send a “Payment Notice/Potential Lien Assessment” letter by certified and regular mail to the landowner or occupant prior to any assessment on landowner or occupant’s property. (See Attachment G)

(2) Landowner or occupant shall be given thirty (30) days from the date on the Notification Letter to respond.

(a) In the event landowner or occupant fails to respond to the letter within the prescribed thirty (30) days, the Weed Office shall assess a lien on landowner or occupant’s property and may certify such lien with the Adams County Treasurer. (See Attachments H and I)

(b) If the landowner or occupant responds within the prescribed thirty (30) days and disputes the amount of the assessment, he or she is entitled to be heard before the local governing body as to his or her concerns.

Section 604. Assessment of Costs Hearing

(1) The landowner or occupant, or an attorney on his or her behalf, will be allowed to present testimony as to why the local governing body should not assess a tax lien on landowner or occupant’s property for the costs outlined in the Notification of Lien letter.

(2) A member of the Weed Office will need to be present at the public hearing to provide evidence favoring the imposition of a tax lien on landowner or occupant’s property.

(3) The Weed Office must show that prior to compelling the management of noxious weeds on landowner and/or occupant’s property the Weed Office applied the same or greater management measures to any land or rights-of-way owned or
administered by the local governing body that are adjacent to the private property pursuant to Section 504 of this Policy.

(4) The Weed Office must show that the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved pursuant to Section 605 of this Policy.

(5) The local governing body may either grant or deny the lien assessment or continue the matter to a subsequent date certain.

(6) If the local governing body grants the lien assessment, the Resolution for Certification of Assessed Costs as granted by the Local Governing Body is filed with the County Treasurer’s Office. (Attachments H and I)

Section 605. Limitations

The local governing body shall not assess the cost of providing for or compelling the management of noxious weeds on private property until the level of management called for in the notice or the management plan developed by the arbitration panel has been successfully achieved.

PART 7
PUBLIC LANDS - ASSESSMENT OF COSTS

Section 701. General

(1) Any expenses incurred by the local governing body in the undertaking of management of noxious weeds on public lands shall be a proper charge against such state board, department, or agency which has jurisdiction over the lands.

(a) If not paid, such charge shall be submitted to the controller, who shall treat such amount as an encumbrance on the budget of the state board, department, or agency involved; or

(b) Such charge may be recovered in any court with jurisdiction over such lands.

Section 702. Scheduling and Hearing

1 Id. at (5)(c)
The state board, department, or agency owning or occupying said public lands is afforded the same Scheduling and Hearing protections as provided landowners or occupants of private lands under Sections 603 and 604 of this Policy.

PART 8
MISCELLANEOUS

Section 801. Additional provisions

(1) It is the Weed Office’s responsibility through reasonable efforts to determine whether the property with a suspected noxious weed infestation is occupied by an individual other than the landowner.

   (a) Reasonable efforts to determine the identity of the tenant and/or occupant may include one or more of the following:

      (i) mailing a copy of the notice to any dwelling on the real property,
      (ii) contacting the Farm Service Agency (“FSA”),
      (iii) asking the landowner for the identity of any tenant and/or occupant on the real property,

   (b) any reasonable efforts taken by the Weed Office should be documented.

   (c) If the Weed Office determines an individual(s) other than the landowner occupies the property, any and all applicable Notices should be sent to both landowner and occupant.

   (d) If the Weed Office determines an individual(s) other than the landowner occupies the property, any and all applicable Orders approved by the local governing body should be sent to both landowner and occupant.

(2) The local governing body, through its delegates, agents, and employees, shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours for the purposes of ensuring compliance with any of the above requirements concerning noxious weed management and any other local requirements. ¹

(3) No agent, employee, or delegate of the local governing body shall have a civil cause of action against a landowner or occupant for personal injury or property damage incurred while on public or private land for purposes consistent with the above requirements.

¹ Id. at (6)
except when such damages were willfully or deliberately caused by the landowner or occupant.¹

(4) It shall be the duty of each local governing body and each state board, department or agency to confirm that all public roads, public highways, public rights-of-way, and any easements appurtenant thereto, under the jurisdiction of each such entity, are in compliance with the Act, and any violations of the Act shall be the financial responsibility of the appropriate local governing body or state board, department, or agency.²

¹ Id. at (7)
² C.R.S. § 35-5.5-112
APPENDIX B

Rules Pertaining To the Administration and Enforcement of the Colorado Noxious Weed Act:

8CCR1206-2

Part 1 Definitions


1.2. “Compliance waiver” means a written exemption granted to a local governing body or landowner by the Commissioner that releases the local governing body and/or landowner from certain obligations of eradication for a specific population of a List A or List B species. Eff 07/01/2007

1.3. “Division” means the Colorado Division of Wildlife. Eff 07/01/2007

1.4. “Elimination” means the removal or destruction of all emerged, growing plants of a population of List A or List B species designated for eradication by the Commissioner. It is the first step in achieving eradication and is succeeded by efforts to detect and destroy newly emerged plants arising from seed, reproductive propagule, or remaining root stock for the duration of the seed longevity for the particular species. Eff 07/01/2007

1.5. “Infested acreage” means an area of land containing a noxious weed species, defined by the actual perimeter of the infestation as delineated by the canopy cover of the plants and excluding areas not infested. Eff 07/01/2007

1.6. “Population” means a group of designated noxious weeds of the same species occupying a particular geographic region and capable of interbreeding. Eff 07/01/2007

Part 2 General Provisions

2.1. At any time, affected persons may suggest and the Commissioner may approve additional prescribed integrated management techniques not specified in these rules for the eradication, containment, or suppression of designated state noxious weeds. Such approval may be site-specific or broadly applicable. The Commissioner will publish a list on the Colorado Department of Agriculture website (http://www.ag.state.co.us/csd/weeds/Weedhome.html) of the herbicides, cultural techniques, and mechanical techniques approved for use under the specific state noxious weed management plans for List A and List B species. Eff 07/01/2007

2.2. As a condition for granting a compliance waiver releasing a local governing body and/or landowner from certain obligations of eradication, the Commissioner may require the local governing body and/or landowner to implement other specified management actions with respect to a specific population. Eff 07/01/2007

2.3. No recommendations or requirements in these rules concerning the use of herbicides are intended to contradict or supercede any other federal, state or local law regulating herbicide use. All use of herbicides to achieve any management objectives specified in these rules must comply with all applicable federal, state and local legal requirements, including but not limited to compliance with all directions for use, cautionary statements and any other requirements in the labeling of the particular herbicide product. Eff 07/01/2007
Part 3 List A Noxious Weed Species

3.1. List A of the Colorado noxious weed list comprises the following noxious weed species: Eff 07/01/2007

- African rue (Peganum harmala) Eff 07/01/2007
- Camelthorn (Alhagi pseudalhagi) Eff 07/01/2007
- Common crupina (Crupina vulgaris) Eff 07/01/2007
- Cypress spurge (Euphorbia cyparissias) Eff 07/01/2007
- Dyer’s woad (Isatis tinctoria) Eff 07/01/2007
- Giant salvinia (Salvinia molesta) Eff 07/01/2007
- Hydrilla (Hydrilla verticillata) Eff 07/01/2007
- Meadow knapweed (Centaurea pratensis) Eff 07/01/2007
- Mediterranean sage (Salvia aethiopis) Eff 07/01/2007
- Medusahead (Taeniatherum caput-medusae) Eff 07/01/2007
- Myrtle spurge (Euphorbia myrsinites) Eff 07/01/2007
- Orange hawkweed (Hieracium aurantiacum) Eff 07/01/2007
- Purple loosestrife (Lythrum salicaria) Eff 07/01/2007
- Rush skeletonweed (Chondrilla juncea) Eff 07/01/2007
- Sericea lespedeza (Lespedeza cuneata) Eff 07/01/2007
- Squarrose knapweed (Centaurea virgata) Eff 07/01/2007
- Tansy ragwort (Senecio jacobaea) Eff 07/01/2007
- Yellow starthistle (Centaurea solstitialis) Eff 07/01/2007

3.2. All populations of List A species in Colorado are designated by the Commissioner for eradication. Eff 07/01/2007

3.3. It is a violation of these rules to allow any plant of any population of any List A species to produce seed or develop other reproductive propagules. Eff 07/01/2007

3.4. Prescribed management techniques must be applied to every population of List A noxious weeds present in Colorado to achieve the following objectives: Eff 07/01/2007

A. The plants of every population of List A species must be eliminated prior to seed development. Eff 07/01/2007

B. Once all mature plants are eliminated, appropriate efforts must be made to detect and eliminate new plants arising from seed, reproductive propagule, or root stock for the duration of the seed longevity for the particular species. Eff 07/01/2007

C. In order to ensure that seeds or other reproductive propagules are not produced or spread, any plant with flowers, seeds, or other reproductive propagules must be placed in sealed plastic bags and disposed of by: Eff 07/01/2007

1. high intensity burning in a controlled environment that completely destroys seed viability; Eff 07/01/2007

2. removal of plant materials to a solid waste landfill which covers refuse daily with six inches of soil or alternative material; or Eff 07/01/2007

3. any other method approved by the Commissioner. Eff 07/01/2007
3.5. Within one year of detection, any local governing body with a population of any List A species must provide to the State Weed Coordinator mapping data pertinent to each population including: Eff 07/01/2007

A. Species name Eff 07/01/2007
B. Population location(s) including distribution and abundance Eff 07/01/2007
C. Estimated infested acreage Eff 07/01/2007


3.6.1. African rue (Peganum harmala). In addition to the requirements set forth in this Part 3 for the management of all List A species, the following conditions also apply for African rue: Eff 07/01/2007

A. The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and digging, or other mechanical techniques approved by the Commissioner. Eff 07/01/2007
B. Prescribed integrated management techniques do not include the use of: (1) any biocontrol agents or; (2) any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner. Eff 07/01/2007
C. Seed longevity is unknown. Eff 07/01/2007

3.6.2. Camelthorn (Alhagi pseudalhagi). In addition to the requirements set forth in this Part 3 for the management of all List A species, the following conditions also apply for camelthorn: Eff 07/01/2007

A. The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and digging, or other mechanical techniques approved by the Commissioner. Eff 07/01/2007
B. Prescribed integrated management techniques do not include the use of: (1) any biocontrol agents or; (2) any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner. Eff 07/01/2007
C. Seed longevity is at least several years. Eff 07/01/2007

3.6.3. Common crupina (Crupina vulgaris). In addition to the requirements set forth in this Part 3 for the management of all List A species, the following conditions also apply for common crupina: Eff 07/01/2007

A. The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Eff 07/01/2007
B. Prescribed integrated management techniques do not include the use of: (1) any biocontrol agents or; (2) any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner. Eff 07/01/2007
C. Seed longevity is three years. Eff 07/01/2007

3.6.4. Cypress spurge (Euphorbia cyparissias). In addition to the requirements set forth in this Part 3 for the management of all List A species, the following conditions also apply for cypress spurge: Eff 07/01/2007

A. The prescribed integrated management techniques are limited to the use of herbicides approved by the Commissioner and hand-pulling, digging, or other mechanical techniques approved by the Commissioner. Eff 07/01/2007
B. Prescribed integrated management techniques do not include the use of: (1) any biocontrol agents or; (2) any herbicides, cultural techniques, or mechanical techniques other than those approved by the Commissioner. Eff 07/01/2007
4.1. List B of the Colorado noxious weed list comprises the following noxious weed species:  

Absinth wormwood (Artemisia absinthium)  
Black henbane (Hyoscyamus niger)  
Bouncingbet (Saponaria officinalis)  
Bull thistle (Cirsium vulgare)  
Canada thistle (Cirsium arvense)  
Chinese clematis (Clematis orientalis)  
Common tansy (Tanacetum vulgare)  
Common teasel (Dipsacus fullonum)  
Corn chamomile (Anthemis arvensis)  
Cutleaf teasel (Dipsacus laciniatus)  
Dalmatian toadflax, broad-leaved (Linaria dalmatica)  
Dalmatian toadflax, narrow-leaved (Linaria genistifolia)  
Dame’s rocket (Hesperis matronalis)  
Diffuse knapweed (Centaurea diffusa)  
Eurasian watermilfoil (Myriophyllum spicatum)  
Hoary cress (Cardaria draba)  
Houndstongue (Cynoglossum officinale)  
Leafy spurge (Euphorbia esula)  
Mayweed chamomile (Anthemis cotula)  
Moth mullein (Verbascum blattaria)  
Musk thistle (Carduus nutans)  
Oxeye daisy (Chrysanthemum leucanthemum)  
Perennial pepperweed (Lepidium latifolium)  
Plumeless thistle (Carduus acanthoides)  
Quackgrass (Elytrigia repens)  
Redstem filaree (Erodium cicutarium)  
Russian knapweed (Acroptilon repens)  
Russian-olive (Elaeagnus angustifolia)
Salt cedar (Tamarix chinensis, T. parviflora, and T. ramosissima)  Eff 07/01/2007

Scentless chamomile (Matricaria perforata)  Eff 07/01/2007

Scotch thistle (Onopordum acanthium)  Eff 07/01/2007

Scotch thistle (Onopordum tauricum)  Eff 07/01/2007

Spotted knapweed (Centaurea maculosa)  Eff 07/01/2007

Spurred anoda (Anoda cristata)  Eff 07/01/2007

Sulfur cinquefoil (Potentilla recta)  Eff 07/01/2007

Venice mallow (Hibiscus trionum)  Eff 07/01/2007

Wild caraway (Carum carvi)  Eff 07/01/2007

Yellow nutsedge (Cyperus esculentus)  Eff 07/01/2007

Yellow toadflax (Linaria vulgaris)  Eff 07/01/2007

4.2. List B noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species. List B species must be managed in accordance with all the provisions of this Part 4, including any applicable state noxious weed management plans. Until a plan for a particular species is developed and implemented by rule, all persons are recommended to manage that species.  Eff 07/01/2007

4.3. Local governing bodies and other interested parties are encouraged to make special note of the distribution and abundance of Canada thistle, Dalmatian toadflax, leafy spurge, salt cedar, spurred anoda, Venice mallow, and yellow nutsedge as the Commissioner will consult with the state noxious weed advisory committee, local governments, and other interested parties, in order to develop and implement state noxious weed management plans in 2007-2008 designed to stop the continued spread of these species. State noxious weed management plans for additional List B species will be developed in future years.  Eff 07/01/2007

4.4. It is a violation of these rules to allow any plant of any population of a List B species designated for eradication by the Commissioner in a state noxious weed management plan (Rules 4.7.1-4.7.9) to produce seed or develop other reproductive propagules after the time specified in the plan for elimination.  Eff 07/01/2007

4.5. Prescribed management techniques must be applied to every population of List B species designated for eradication by the Commissioner in a state noxious weed management plan (Rules 4.7.1-4.7.9) to achieve the following objectives:  Eff 07/01/2007

A. The plants of every population of List B species designated for eradication must be eliminated prior to seed development in the year specified.  Eff 07/01/2007

B. Any population that is discovered in areas designated for eradication subsequent to the year specified for elimination must be eliminated prior to the development of viable seed. If the population is discovered after seed development has occurred, then efforts must be made to minimize the dispersion of seed and elimination is required prior to seed development in the following year.  Eff 07/01/2007

C. Once all plants are eliminated, appropriate efforts must be made in subsequent years to detect and eliminate new plants arising from seed, reproductive propagule, or root stock prior to seed development for the duration of the seed longevity for the particular species.  Eff 07/01/2007

D. In order to ensure that seeds or other reproductive propagules are not produced or spread, any plant with flowers, seeds, or other reproductive propagules must be placed in sealed plastic bags and disposed of by:  Eff 07/01/2007
Part 5 List C Noxious Weed Species

5.1. List C of the Colorado noxious weed list comprises the following noxious weed species:  Eff 07/01/2007

- Chicory (Cichorium intybus)  Eff 07/01/2007
- Common burdock (Arctium minus)  Eff 07/01/2007
- Common mullein (Verbascum thapsus)  Eff 07/01/2007
- Common St. Johnswort (Hypericum perforatum)  Eff 07/01/2007
- Downy brome (Bromus tectorum)  Eff 07/01/2007
- Field bindweed (Convolvulus arvensis)  Eff 07/01/2007
- Halogeton (Halogeton glomeratus)  Eff 07/01/2007
- Johnsongrass (Sorghum halepense)  Eff 07/01/2007
- Jointed goatgrass (Aegilops cylindrica)  Eff 07/01/2007
- Perennial sowthistle (Sonchus arvensis)  Eff 07/01/2007
- Poison hemlock (Conium maculatum)  Eff 07/01/2007
- Puncturevine (Tribulus terrestris)  Eff 07/01/2007
- Velvetleaf (Abutilon theophrasti)  Eff 07/01/2007
- Wild proso millet (Panicum miliaceum)  Eff 07/01/2007

5.2. List C noxious weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.  Eff 07/01/2007

6.1. Local governing bodies and landowners with any population of any List A species or population of any List B species designated for eradication may be eligible for a compliance waiver granted by the Commissioner.  Eff 07/01/2007

6.2. To apply for a compliance waiver, local governing bodies or landowners must submit a written petition to the State Weed Coordinator via mail (Colorado Department of Agriculture, 700 Kipling Street, Suite 4000, Lakewood, CO 80215-8000), fax (303-239-4125), or email (csdcomments@ag.state.co.us with “Attention: noxious weed petition” in the subject line). The Department will only consider a petition for waiver during the growing season of the target weed when the extent of the problem can be properly evaluated at the site for which the petition is submitted. The petition should provide specific information pertinent to the reevaluation of eradication as the appropriate management objective for a specified geographic region.  Eff 07/01/2007

6.3. The Commissioner will evaluate petitions using the following criteria:  Eff 07/01/2007

A. The known distribution of the weed species in the specified geographic region;  Eff 07/01/2007

B. The feasibility of current control technologies to achieve eradication of the population;  Eff 07/01/2007

C. The cost of carrying out eradication as part of statewide weed management plan; and  Eff 07/01/2007

D. Any other site-specific information that establishes eradication is not feasible for a specific population in a specified geographic region.  Eff 07/01/2007
Petitioners must address these criteria and explain specifically what conditions exist that establish that eradication is not a viable management objective.  

6.4. The Commissioner will grant or deny a petition within fifteen business days of receiving it.  

6.5. The Commissioner may revoke a compliance waiver at any time if the information provided in the petition was incomplete or inaccurate, or if conditions change such that eradication becomes a viable management objective.  

Part 7  Statements of Basis, Specific Statutory Authority and Purpose  


Statutory Authority  

These permanent rules are adopted by the Commissioner of Agriculture pursuant to his authority under the Colorado Noxious Weed Act, § § 35-5.5-108 and 115, C.R.S. (2003).  

Purpose  

The purpose of these permanent rules is to: (1) repeal all of the existing permanent rules for the administration and enforcement of the Colorado Noxious Weed Act, § § 35-5.5-101 through 119, C.R.S. (2003), currently published at 8 C.C.R. 1203-15 (including the Statement of Basis, Purpose and Statutory Authority as well as Rules 1 through 3) and; (2) replace the current permanent rules with new permanent rules which implement the Colorado Noxious Weed Act as amended by the General Assembly in its 2003 regular session. Specifically, the purposes of these new permanent rules are to designate state noxious weeds, classify state noxious weeds into three categories (List A, B, and C), develop and implement state noxious weed management plans for List A noxious weed species, prescribe integrated management techniques to achieve eradication of List A species, and provide a process for granting compliance waivers to local governing bodies and landowners in order to develop and implement a coordinated, statewide effort to stop the spread of noxious weeds and mitigate their impacts to agriculture and the environment.  

Factual and Policy Issues  

The factual and policy issues encountered in the proposal of these permanent rules are as follows:  

1. Several million acres of Colorado are infested with invasive non-indigenous plants that are continuing to spread to uninfested lands and increase in abundance.  

2. A number of these species, designated as state noxious weeds, aggressively invade or are detrimental to economic crops or native plant communities, are poisonous to livestock, are carriers of detrimental insects, diseases, or parasites, or are detrimental, directly or indirectly, to the environmentally sound management of natural or agricultural systems.  

3. Noxious weeds are a present threat to the economic and environmental value of the lands of the state of Colorado and it is a matter of statewide importance that the governing bodies of counties and municipalities manage such weeds in a coordinated manner across the state. Lack of such coordination makes weed management efforts unnecessarily costly and limits the effectiveness of public and private efforts to control such noxious weeds.  

4. A broad array of public and private organizations support efforts to develop and implement a coordinated, statewide effort to stop the spread of noxious weeds.
5. Classifying designated noxious weeds into specific management categories will provide a means to focus public and private resources strategically and in a cost-effective manner. \textit{Eff 07/01/2007}

6. By eradicating rare noxious weed species quickly (List A), these species can be prevented from establishing permanent populations in Colorado from which they will spread to harm the agricultural and environmental values of the lands of Colorado. \textit{Eff 07/01/2007}

7. It is important that local governing bodies and affected landowners apply integrated management techniques that will achieve the specified management objectives, particularly for eradication. Some techniques are more effective than others (prescribed) and some techniques are likely to be ineffective or contribute to the spread of the weed species (not prescribed). Prescribing integrated management techniques to achieve specified management objectives will help landowners achieve management objectives such as eradication in a timely manner while limiting environmental damage, effort, and cost. \textit{Eff 07/01/2007}

8. By stopping the spread of well-established species (List B), the values of uninfested lands for agriculture or the environment can be protected and the costs of land management to private and public landowners can be limited or reduced. \textit{Eff 07/01/2007}

9. By educating the public about improved management for widespread species (List C), the harm associated with these species can be reduced and such efforts can be made more cost-effective for many citizens. \textit{Eff 07/01/2007}

10. To accomplish the goals associated with List A (statewide eradication) and List B (halted spread) it is necessary to develop and implement statewide plans to coordinate appropriate actions at the private, local, state, and federal levels. Without such plans, it will be difficult to focus public and private resources strategically and in a cost-effective manner to achieve these goals. \textit{Eff 07/01/2007}

11. In order to provide flexibility to respond to changing circumstances with respect to the distribution of weed populations, it is important to provide the state, local governing bodies, and landowners with a process to amend the requirement to eradicate a particular noxious weed. Without such a compliance waiver process, these rules may become unnecessarily burdensome. \textit{Eff 07/01/2007}

12. The absence of rules to implement a coordinated statewide effort to manage noxious weeds results in increased management costs to public and private interests, a reduction in the effectiveness of individual efforts, and the continued loss of agricultural and environmental values to the invasion of noxious weeds. \textit{Eff 07/01/2007}

\section*{7.2. March 4, 2005 – Effective May 2, 2005}

\textbf{Statutory Authority}

These amendments to the rules are adopted by the Commissioner of Agriculture pursuant to his authority under the Colorado Noxious Weed Act, § § 35-5.5-108 and 115, C.R.S. (2004). \textit{Eff 07/01/2007}

\textbf{Purpose}

The purposes of these amendments to the rules are to: (1) designate additional species of noxious weeds for inclusion in the current categories (Lists A, B, C) listed in Parts 3, 4 and 5 of the existing Rules; (2) reclassify some of the currently listed noxious weeds to different categories; (3) develop and implement new state noxious weed management plans for additional species listed for statewide
eradication (List A); (4) develop and implement state noxious weed management plans for selected List B species and; (5) identify priority List B species, among other possible List B species, for which the Commissioner intends to develop and implement state noxious weed management plans.  

**Factual Basis**

The factual and policy issues encountered in the proposal of these amendments to the rules are as follows:  

1. It is necessary to periodically adjust the state noxious weed list to address emerging plant pest threats as they become known to the state.  

2. The current rules pertaining to the administration and enforcement of the Colorado Noxious Weed Act state that the Commissioner will develop and implement state noxious weed management plans for selected List B species.  

3. State noxious weed management plans are necessary in order to coordinate appropriate actions at the private, local, state, and federal levels that will halt the continued spread of these List B species.  

4. The proposed plans have been developed in consultation with the state noxious weed advisory committee, local governments, and other interested parties.  

**7.3. March 9, 2006 – Effective May 30, 2006**

**Statutory Authority**

These amendments to the rules are adopted by the Commissioner of Agriculture pursuant to his authority under the Colorado Noxious Weed Act, § § 35-5.5-108 and 115, C.R.S. (2005).  

**Purpose**

The purposes of these amendments to the rules are to: (1) develop and implement state noxious weed management plans for selected List B species and (2) identify priority List B species, among other possible List B species, for which the Commissioner intends to develop and implement state noxious weed management plans. The rule will also be moved to the Conservation Services Division section of the CCR and renumbered to 8 CCR 1206-2 to reflect a reorganization in the Colorado Department of Agriculture moving the noxious weed program to this division.  

**Factual Basis**

The factual and policy issues encountered in the proposal of these amendments to the rules are as follows:  

1. The current rules pertaining to the administration and enforcement of the Colorado Noxious Weed Act state that the Commissioner will develop and implement state noxious weed management plans for selected List B species.
2. State noxious weed management plans are necessary in order to coordinate appropriate actions at the private, local, state, and federal levels that will halt the continued spread of these List B species. *Eff 07/01/2007*

3. The proposed plans have been developed in consultation with the state noxious weed advisory committee, local governments, and other interested parties. *Eff 07/01/2007*

**7.4. May 3, 2007 – Effective July 1, 2007**

**Statutory Authority**

These amendments to the rules are adopted by the Commissioner of Agriculture pursuant to his authority under the Colorado Noxious Weed Act, § § 35-5.5-108 and 115, C.R.S. (2005). *Eff 07/01/2007*

**Purpose**

The purposes of these amendments to the rules are to: (1) develop and implement state noxious weed management plans for selected List B species, (2) revise existing state noxious weed management plans for selected List B species, and (3) identify priority List B species, among other possible List B species, for which the Commissioner intends to develop and implement state noxious weed management plans. *Eff 07/01/2007*

**Factual Basis**

The factual and policy issues encountered in the proposal of these amendments to the rules are as follows: *Eff 07/01/2007*

1. The current rules pertaining to the administration and enforcement of the Colorado Noxious Weed Act state that the Commissioner will develop and implement state noxious weed management plans for selected List B species. *Eff 07/01/2007*
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Attachment 2: USFWS IPaC
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location
Adams County, Colorado

Local office

https://ecos.fws.gov/ipac/location/PZYFSUIH6NAJXOCZA4T67HC6GQ/resources 7/14/2017
Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the
IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

**Mammals**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preble's Meadow Jumping Mouse</td>
<td>Threatened</td>
</tr>
<tr>
<td><em>Zapus hudsonius preblei</em></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.  
[https://ecos.fws.gov/ecp/species/4090](https://ecos.fws.gov/ecp/species/4090)

**Birds**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Least Tern</td>
<td>Endangered</td>
</tr>
<tr>
<td><em>Sterna antillarum</em></td>
<td></td>
</tr>
</tbody>
</table>
| This species only needs to be considered if the following condition applies:  
  - Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.  
| No critical habitat has been designated for this species.  
[https://ecos.fws.gov/ecp/species/8505](https://ecos.fws.gov/ecp/species/8505)
**Mexican Spotted Owl**  *Strix occidentalis lucida*

There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.

[https://ecos.fws.gov/ecp/species/8196](https://ecos.fws.gov/ecp/species/8196)

**Piping Plover**  *Charadrius melodus*

This species only needs to be considered if the following condition applies:

- Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.

There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.

[https://ecos.fws.gov/ecp/species/6039](https://ecos.fws.gov/ecp/species/6039)

**Whooping Crane**  *Grus americana*

This species only needs to be considered if the following condition applies:

- Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.

There is a final critical habitat designated for this species. Your location is outside the designated critical habitat.

[https://ecos.fws.gov/ecp/species/758](https://ecos.fws.gov/ecp/species/758)

**Fishes**

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pallid Sturgeon</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

This species only needs to be considered if the following condition applies:

- Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.

No critical habitat has been designated for this species.

[https://ecos.fws.gov/ecp/species/7162](https://ecos.fws.gov/ecp/species/7162)
Flowering Plants

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado Butterfly Plant</td>
<td>Threatened</td>
</tr>
<tr>
<td><em>Gaura neomexicana var. coloradensis</em></td>
<td></td>
</tr>
<tr>
<td>There is a <strong>final</strong> critical habitat designated for this species. Your location is outside the designated critical habitat. <a href="https://ecos.fws.gov/ecp/species/6110">https://ecos.fws.gov/ecp/species/6110</a></td>
<td></td>
</tr>
<tr>
<td>Ute Ladies'-tresses</td>
<td>Threatened</td>
</tr>
<tr>
<td><em>Spiranthes diluvialis</em></td>
<td></td>
</tr>
<tr>
<td>No critical habitat has been designated for this species. <a href="https://ecos.fws.gov/ecp/species/2159">https://ecos.fws.gov/ecp/species/2159</a></td>
<td></td>
</tr>
<tr>
<td>Western Prairie Fringed Orchid</td>
<td>Threatened</td>
</tr>
<tr>
<td><em>Platanthera praecala</em></td>
<td></td>
</tr>
</tbody>
</table>
| This species only needs to be considered if the following condition applies:  
  • Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska.  
  No critical habitat has been designated for this species. [https://ecos.fws.gov/ecp/species/1669](https://ecos.fws.gov/ecp/species/1669) |             |

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

**THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.**

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act \(^1\) and the Bald and Golden Eagle Protection Act \(^2\).

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service.
There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Year-round bird occurrence data [http://www.birdscanada.org/birdmon/default/datasummaries.jsp](http://www.birdscanada.org/birdmon/default/datasummaries.jsp)

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SEASON(S)</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Bittern</td>
<td>Breeding</td>
</tr>
<tr>
<td><em>Botaurus lentiginosus</em></td>
<td><a href="https://ecos.fws.gov/ecp/species/6582">https://ecos.fws.gov/ecp/species/6582</a></td>
</tr>
<tr>
<td>Bald Eagle</td>
<td>Year-round</td>
</tr>
<tr>
<td><em>Haliaeetus leucocephalus</em></td>
<td><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a></td>
</tr>
</tbody>
</table>
Black Rosy-finch  Leucosticte atrata
https://ecos.fws.gov/ecp/species/9460  Year-round

Brewer's Sparrow  Spizella breweri
https://ecos.fws.gov/ecp/species/9291  Breeding

Burrowing Owl  Athene cunicularia
https://ecos.fws.gov/ecp/species/9737  Breeding

Dickcissel  Spiza americana  Breeding

Ferruginous Hawk  Buteo regalis
https://ecos.fws.gov/ecp/species/6038  Year-round

Golden Eagle  Aquila chrysaetos
https://ecos.fws.gov/ecp/species/1680  Year-round

Lark Bunting  Calamospiza melanocorys  Breeding

Lewis's Woodpecker  Melanerpes lewis
https://ecos.fws.gov/ecp/species/9408  Breeding

Loggerhead Shrike  Lanius ludovicianus
https://ecos.fws.gov/ecp/species/8833  Breeding

Long-billed Curlew  Numenius americanus
https://ecos.fws.gov/ecp/species/5511  Breeding

Mountain Plover  Charadrius montanus
https://ecos.fws.gov/ecp/species/3638  Breeding

Peregrine Falcon  Falco peregrinus
https://ecos.fws.gov/ecp/species/8831  Breeding

Prairie Falcon  Falco mexicanus
https://ecos.fws.gov/ecp/species/4736  Year-round
Red-headed Woodpecker  Melanerpes erythrocephalus  Breeding

Rufous Hummingbird  selasphorus rufus  Migrating
https://ecos.fws.gov/ecp/species/8002

Sage Thrasher  Oreoscoptes montanus  Breeding
https://ecos.fws.gov/ecp/species/9433

Short-eared Owl  Asio flammeus  Wintering
https://ecos.fws.gov/ecp/species/9295

Swainson's Hawk  Buteo swainsoni  Breeding
https://ecos.fws.gov/ecp/species/1098

Virginia's Warbler  Vermivora virginiae  Breeding
https://ecos.fws.gov/ecp/species/9441

Western Grebe  aechmophorus occidentalis  Breeding
https://ecos.fws.gov/ecp/species/6743

Williamson's Sapsucker  Sphyrapicus thyroideus  Breeding
https://ecos.fws.gov/ecp/species/8832

Willow Flycatcher  Empidonax traillii  Breeding
https://ecos.fws.gov/ecp/species/3482

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some
ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the Northeast Ocean Data Portal. The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The Avian Knowledge Network (AKN) provides a tool currently called the "I listogram Tool", which draws from the data within the AKN (latest survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the Migratory Bird Programs AKN Histogram Tools webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.
In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

**Atlantic Seabirds:**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](https://ecos.fws.gov/ipac/location/PZYFSUIH6NAJXOCZA4T67HC6GQ/resources). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project](https://ecos.fws.gov/ipac/location/PZYFSUIH6NAJXOCZA4T67HC6GQ/resources) webpage.

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**Facilities**

**Wildlife refuges**

Any activity proposed on [National Wildlife Refuge](https://ecos.fws.gov/ipac/location/PZYFSUIH6NAJXOCZA4T67HC6GQ/resources) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

**THERE ARE NO REFUGES AT THIS LOCATION.**

**Fish hatcheries**

**THERE ARE NO FISH HATCHERIES AT THIS LOCATION.**

**Wetlands in the National Wetlands Inventory**

Impacts to [NWI wetlands](https://ecos.fws.gov/ipac/location/PZYFSUIH6NAJXOCZA4T67HC6GQ/resources) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.
For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

This location overlaps the following wetlands:

FRESHWATER EMERGENT WETLAND
  PEMA

FRESHWATER FORESTED/SHRUB WETLAND
  PFOA

FRESHWATER POND
  PUBK

RIVERINE
  R2UBH
  R4SBK
  R2USA

A full description for each wetland code can be found at the National Wetlands Inventory website: https://ecos.fws.gov/ipac/wetlands/decoder

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or...
tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.
EXHIBIT I
SOILS INFORMATION
EXHIBIT I

Soils Information

At the end of this exhibit are printouts from the NRCS Web Soil Survey website that describe the location and typical characteristics of the soils present on the site.

According to the Web Soil Survey (United States Department of Agriculture, NRCS, 2004) of the proposed permit area, there are eight USDA soil types within the proposed project site:

1. Elicott-Glenberg complex, 0 to 3 percent slopes, occasionally flooded

2. Loamy alluvial land, gravelly substratum

3. Loamy alluvial land, moderately wet

4. Nunn clay loam, 1 to 3 percent slopes

5. Terrace escarpments

6. Ulm loam, 5 to 9 percent slopes

7. Water

8. Wet alluvial land

In addition, Aggregate Industries obtained test borings for the property. Test borings indicate a layer of topsoil and overburden ranging from 1 to 11 feet in depth with a typical depth of 5 feet. In the western part of the site, the topsoil has been tilled until recently and likely contains a significant percent of organics. The overburden is underlain by an aggregate layer with a thickness ranging from 0 to 46 feet with a typical thickness of 25 feet. In some parts of the site, the aggregate layer contains a 2 to 9-foot-thick mud lenses. The total depth to bedrock from the surface grade ranges from 5 feet in the west to 50 feet in an apparent paleochannel in the eastern part of the site. The typical depth to bedrock is approximately 27 feet over most of the mine area. The aggregate layer overlies sedimentary bedrock of the Denver Basin.

A complete summary of the test logs was submitted with the initial DRMS application for this site. The information is on record and the Division and is attached here in for reference.
Soil Map—Adams County Area, Parts of Adams and Denver Counties, Colorado
(Tucson South Resource)

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot

Spill Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.
Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Date: Version 15, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Sep 20, 2015—Oct 21, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres In AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>EgA</td>
<td>Ellicott-Glenberg complex, 0 to 3 percent slopes, occasionally flooded</td>
<td>13.3</td>
<td>4.9%</td>
</tr>
<tr>
<td>Lv</td>
<td>Loamy alluvial land, gravelly substratum</td>
<td>142.1</td>
<td>51.9%</td>
</tr>
<tr>
<td>Lw</td>
<td>Loamy alluvial land, moderately wet</td>
<td>81.6</td>
<td>29.8%</td>
</tr>
<tr>
<td>NuB</td>
<td>Nunn clay loam, 1 to 3 percent slopes</td>
<td>0.5</td>
<td>0.2%</td>
</tr>
<tr>
<td>Tc</td>
<td>Terrace escarpments</td>
<td>4.3</td>
<td>1.6%</td>
</tr>
<tr>
<td>UID</td>
<td>Ulm loam, 5 to 9 percent slopes</td>
<td>2.3</td>
<td>0.8%</td>
</tr>
<tr>
<td>W</td>
<td>Water</td>
<td>28.5</td>
<td>10.4%</td>
</tr>
<tr>
<td>Totals for Area of Interest</td>
<td></td>
<td>273.6</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Adams County Area, Parts of Adams and Denver Counties, Colorado

Wt—Wet alluvial land

Map Unit Setting
National map unit symbol: 34xj
Elevation: 4,000 to 5,600 feet
Mean annual precipitation: 12 to 14 inches
Mean annual air temperature: 48 to 52 degrees F
Frost-free period: 125 to 155 days
Farmland classification: Not prime farmland

Map Unit Composition
Wet alluvial land: 100 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Wet Alluvial Land

Setting
Landform: Flood plains
Landform position (three-dimensional): T alf
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from mixed

Typical profile
H1 - 0 to 8 inches: variable
H2 - 8 to 36 inches: stratified sandy loam to clay
H3 - 36 to 60 inches: sand

Properties and qualities
Slope: 0 to 1 percent
Natural drainage class: Poorly drained
Runoff class: Very high
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to high (0.06 to 6.00 in/hr)
Depth to water table: About 6 to 24 inches
Frequency of flooding: Frequent
Calcium carbonate, maximum in profile: 15 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
Available water storage in profile: Low (about 4.8 inches)

Interpretive groups
Land capability classification (irrigated): 5w
Land capability classification (nonirrigated): 5w
Hydrologic Soil Group: D
Ecological site: Wet Meadow (R067BYC38CO)
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

W—Water

Map Unit Setting
National map unit symbol: wdnx
Mean annual precipitation: 12 to 14 inches
Farmland classification: Not prime farmland

Map Unit Composition
Water: 80 percent
Minor components: 20 percent
Estimates are based on observations, descriptions, and transects of the map unit.

Minor Components
Other soils
Percent of map unit: 10 percent
Hydric soil rating: No

Aquolls
Percent of map unit: 10 percent
Landform: Marshes
Hydric soil rating: Yes

Data Source Information
Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

UID—Ulm loam, 5 to 9 percent slopes

Map Unit Setting
- National map unit symbol: 34x5
- Elevation: 4,000 to 5,600 feet
- Mean annual precipitation: 12 to 14 inches
- Mean annual air temperature: 48 to 52 degrees F
- Frost-free period: 125 to 155 days
- Farmland classification: Not prime farmland

Map Unit Composition
- Ulm and similar soils: 80 percent
- Minor components: 20 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ulm

Setting
- Landform: Plains
- Landform position (three-dimensional): Talf
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Residuum weathered from sandstone and shale

Typical profile
- H1 - 0 to 4 inches: loam
- H2 - 4 to 13 inches: silty clay
- H3 - 13 to 30 inches: clay
- H4 - 30 to 48 inches: clay loam
- H5 - 48 to 52 inches: unweathered bedrock

Properties and qualities
- Slope: 5 to 9 percent
- Depth to restrictive feature: 40 to 60 inches to paralithic bedrock
- Natural drainage class: Well drained
- Runoff class: Medium
- Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum in profile: 15 percent
- Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)
- Available water storage in profile: Moderate (about 8.2 inches)

Interpretive groups
- Land capability classification (irrigated): 4e
**Map Unit Description:** Ulm loam, 5 to 9 percent slopes—Adams County Area, Parts of Adams and Denver Counties, Colorado

**Land capability classification (nonirrigated):** 6e  
**Hydrologic Soil Group:** C  
**Ecological site:** Loamy Plains (R067BY002CO)  
**Hydric soil rating:** No

**Minor Components**

**Shingle**  
*Percent of map unit:* 10 percent  
*Hydric soil rating:* No

**Renohill**  
*Percent of map unit:* 8 percent  
*Hydric soil rating:* No

**Apishapa**  
*Percent of map unit:* 2 percent  
*Landform:* Swales  
*Hydric soil rating:* Yes

**Data Source Information**

**Soil Survey Area:** Adams County Area, Parts of Adams and Denver Counties, Colorado  
**Survey Area Data:** Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

To—Terrace escarpments

Map Unit Setting

- **National map unit symbol:** 34ws
- **Elevation:** 4,400 to 5,500 feet
- **Mean annual precipitation:** 12 to 14 inches
- **Mean annual air temperature:** 46 to 54 degrees F
- **Frost-free period:** 120 to 160 days
- **Farmland classification:** Not prime farmland

Map Unit Composition

- **Terrace escarpments:** 90 percent
- **Minor components:** 10 percent

Estimates are based on observations, descriptions, and transects of the map unit.

Description of Terrace Escarpments

Setting

- **Landform:** Terraces
- **Landform position (three-dimensional):** Riser
- **Down-slope shape:** Linear
- **Across-slope shape:** Linear
- **Parent material:** Alluvium derived from mixed

Typical profile

- **H1 - 0 to 3 inches:** gravelly sand
- **H2 - 3 to 60 inches:** gravelly sand

Interpretive groups

- **Land capability classification (irrigated):** None specified
- **Land capability classification (nonirrigated):** 7s
- **Hydrologic Soil Group:** A
- **Ecological site:** Gravel Breaks (R067BY063CO)
- **Hydric soil rating:** No

Minor Components

**Vona**

- **Percent of map unit:** 5 percent
- **Hydric soil rating:** No

**Dacono**

- **Percent of map unit:** 5 percent
Hydric soil rating: No

Data Source Information

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

NuB—Nunn clay loam, 1 to 3 percent slopes

Map Unit Setting
- National map unit symbol: 2tlpl
- Elevation: 3,900 to 5,640 feet
- Mean annual precipitation: 13 to 17 inches
- Mean annual air temperature: 50 to 54 degrees F
- Frost-free period: 135 to 160 days
- Farmland classification: Prime farmland if irrigated

Map Unit Composition
- Nunn and similar soils: 85 percent
- Minor components: 15 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Nunn

Setting
- Landform: Terraces
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Pleistocene aged alluvium and/or eolian deposits

Typical profile
- Ap - 0 to 9 inches: clay loam
- Bt - 9 to 13 inches: clay loam
- Btk - 13 to 25 inches: clay loam
- Bk1 - 25 to 38 inches: clay loam
- Bk2 - 38 to 80 inches: clay loam

Properties and qualities
- Slope: 1 to 3 percent
- Depth to restrictive feature: More than 80 inches
- Natural drainage class: Well drained
- Runoff class: Medium
- Capacity of the most limiting layer to transmit water (Ksat):
  - Moderately low to moderately high (0.06 to 0.20 in/hr)
- Depth to water table: More than 80 inches
- Frequency of flooding: None
- Frequency of ponding: None
- Calcium carbonate, maximum in profile: 7 percent
- Salinity, maximum in profile: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
- Sodium adsorption ratio, maximum in profile: 0.5
- Available water storage in profile: High (about 9.9 inches)
Interpretive groups

- Land capability classification (irrigated): 2e
- Land capability classification (nonirrigated): 3e
- Hydrologic Soil Group: C
- Ecological site: Clayey Plains (R067BY042CO)
- Hydric soil rating: No

Minor Components

Heldt
- Percent of map unit: 10 percent
- Landform: Terraces
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Ecological site: Clayey Plains (R067BY042CO)
- Hydric soil rating: No

Satanta
- Percent of map unit: 5 percent
- Landform: Terraces
- Landform position (three-dimensional): Tread
- Down-slope shape: Linear
- Across-slope shape: Linear
- Ecological site: Loamy Plains (R067BY002CO)
- Hydric soil rating: No

Data Source Information

- Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
- Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

Lw—Loamy alluvial land, moderately wet

Map Unit Setting

- National map unit symbol: 34w5
- Elevation: 4,000 to 5,500 feet
- Mean annual precipitation: 12 to 14 inches
- Mean annual air temperature: 48 to 52 degrees F
- Frost-free period: 135 to 155 days
- Farmland classification: Not prime farmland

Map Unit Composition

- Loamy alluvial land: 70 percent
- Minor components: 30 percent
- Estimates are based on observations, descriptions, and transects of the map unit.

Description of Loamy Alluvial Land

Setting

- Landform: Drainageways
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from mixed

Typical profile

- \( H_1 \): 0 to 6 inches: variable
- \( H_2 \): 6 to 36 inches: stratified loam to clay loam
- \( H_3 \): 36 to 60 inches: sand

Properties and qualities

- Slope: 0 to 1 percent
- Natural drainage class: Somewhat poorly drained
- Runoff class: Very low
- Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 6.00 in/hr)
- Depth to water table: About 18 to 36 inches
- Frequency of flooding: Occasional
- Calcium carbonate, maximum in profile: 5 percent
- Salinity, maximum in profile: Nonsaline to very slightly saline (0.0 to 2.0 mhos/cm)
- Available water storage in profile: Low (about 6.0 inches)

Interpretive groups

- Land capability classification (irrigated): 3w
- Land capability classification (nonirrigated): 4w
- Hydrologic Soil Group: C
- Hydric soil rating: No
Minor Components

Satanta
Percent of map unit: 12 percent
Landform: Paleoterraces
Hydric soil rating: No

Nunn
Percent of map unit: 12 percent
Hydric soil rating: No

Fluvaquentic haplustolls
Percent of map unit: 6 percent
Landform: Sloughs
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

Lv—Loamy alluvial land, gravelly substratum

Map Unit Setting
- National map unit symbol: 34w4
- Elevation: 4,000 to 8,500 feet
- Mean annual precipitation: 12 to 14 inches
- Mean annual air temperature: 45 to 52 degrees F
- Frost-free period: 75 to 150 days
- Farmland classification: Not prime farmland

Map Unit Composition
- Loamy alluvial land: 75 percent
- Minor components: 25 percent
- Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Loamy Alluvial Land

Setting
- Landform: Drainageways
- Down-slope shape: Linear
- Across-slope shape: Linear
- Parent material: Alluvium derived from mixed

Typical profile
- $H_1$: 0 to 20 inches: loam
- $H_2$: 20 to 60 inches: stratified very gravelly sand to clay

Properties and qualities
- Slope: 0 to 2 percent
- Natural drainage class: Somewhat excessively drained
- Runoff class: Very low
- Capacity of the most limiting layer to transmit water ($K_{sat}$): Moderately high to high (0.57 to 5.95 in/hr)
- Frequency of flooding: Occasional
- Calcium carbonate, maximum in profile: 2 percent
- Salinity, maximum in profile: Nonsaline to slightly saline (0.0 to 4.0 mmhos/cm)
- Sodium adsorption ratio, maximum in profile: 2.0
- Available water storage in profile: Low (about 4.8 inches)

Interpretive groups
- Land capability classification (irrigated): 4w
- Land capability classification (nonirrigated): 6w
- Hydrologic Soil Group: A
- Hydric soil rating: No
Minor Components

Dacono
Percent of map unit: 10 percent
Hydric soil rating: No

Nunn
Percent of map unit: 10 percent
Hydric soil rating: No

Halaquepts
Percent of map unit: 5 percent
Landform: Terraces
Hydric soil rating: Yes

Data Source Information

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Adams County Area, Parts of Adams and Denver Counties, Colorado

EgA—Ellicott-Glenberg complex, 0 to 3 percent slopes, occasionally flooded

Map Unit Setting
National map unit symbol: 2xOj6
Elevation: 3,950 to 5,960 feet
Mean annual precipitation: 13 to 17 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 135 to 165 days
Farmland classification: Not prime farmland

Map Unit Composition
Ellicott, occasionally flooded, and similar soils: 65 percent
Glenberg, rarely flooded, and similar soils: 20 percent
Minor components: 15 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Ellicott, Occasionally Flooded

Setting
Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Noncalcareous, stratified sandy alluvium

Typical profile
A - 0 to 4 inches: sand
AC - 4 to 13 inches: sand
C1 - 13 to 30 inches: sand
C2 - 30 to 44 inches: sand
C3 - 44 to 80 inches: coarse sand

Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Somewhat excessively drained
Runoff class: Negligible
Capacity of the most limiting layer to transmit water (Ksat): High to very high (6.00 to 39.96 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Occasional
Frequency of ponding: None
Salinity, maximum in profile: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Available water storage in profile: Very low (about 2.1 inches)

Interpretive groups
Land capability classification (irrigated): 4e
Land capability classification (nonirrigated): 7s
Hydrologic Soil Group: A
Ecological site: Sandy Bottomland (R067BY031CO)
Hydric soil rating: No

Description of Glenberg, Rarely Flooded

Setting
Landform: Ephemeral streams, flood-plain steps
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Stratified, calcareous alluvium

Typical profile
A - 0 to 6 inches: sandy loam
AC - 6 to 18 inches: sandy loam
C1 - 18 to 45 inches: sandy loam
C2 - 45 to 80 inches: loamy coarse sand

Properties and qualities
Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Natural drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): High
(2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Rare
Frequency of ponding: None
Calcium carbonate, maximum in profile: 5 percent
Salinity, maximum in profile: Nonsaline to very slightly saline (0.1 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum in profile: 2.0
Available water storage in profile: Low (about 5.6 inches)

Interpretive groups
Land capability classification (irrigated): 3e
Land capability classification (nonirrigated): 4c
Hydrologic Soil Group: A
Ecological site: Sandy Bottomland (R067BY031CO)
Hydric soil rating: No

Minor Components

Las animas, occasionally flooded
Percent of map unit: 10 percent
Landform: Flood plains, ephemeral streams
Down-slope shape: Linear
Across-slope shape: Concave, linear
Ecological site: Wet Meadow (R067BY038CO)
Hydric soil rating: No

Ellicott sandy-skeletal, occasionally flooded
Percent of map unit: 5 percent
Map Unit Description: Ellicott-Glenberg complex, 0 to 3 percent slopes, occasionally flooded—
Adams County Area, Parts of Adams and Denver Counties, Colorado

Landform: Channels, flood plains
Down-slope shape: Linear
Across-slope shape: Concave, linear
Ecological site: Sandy Bottomland (R067BY031CO)
Hydric soil rating: No

Data Source Information

Soil Survey Area: Adams County Area, Parts of Adams and Denver Counties, Colorado
Survey Area Data: Version 15, Sep 13, 2018
Attachment to Exhibit I
Aggregate Industries Tucson South Permit Amendment
Drill Log Exhibit as submitted with Tucson Resource
M-2004-044 and on record with the DRMS
Attached herein for reference
LEGEND:

- - - - PROPERTY LINE
----- - PROPOSED SLURRY WALL

TEST HOLES AND MONITORING WELLS DRILLED BY TETRA TECH RMC.

TUCSON SOUTH RESOURCE EXPLORATORY BORING LOCATIONS (EAST)
FOR LEGEND AND NOTES SEE FIGURE 3
# Haake Property Lithologic Logs

## HOLE HP-1

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 4'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>4'-0&quot; to 7'-0&quot;</td>
<td>Sand; fine grained</td>
</tr>
<tr>
<td>7'-0&quot; to 11'-0&quot;</td>
<td>Sand &amp; Gravel; medium to coarse grained, gravel to 3&quot;</td>
</tr>
<tr>
<td>11'-0&quot; to 12'-0&quot;</td>
<td>Clay; dark brown</td>
</tr>
<tr>
<td>12'-0&quot; to 27'-0&quot;</td>
<td>Sand &amp; Gravel; medium to coarse grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>27'-0&quot; to 30'-0&quot;</td>
<td>Clay; gray</td>
</tr>
<tr>
<td>TD</td>
<td>Composite sample taken from 4'-11' &amp; 12'-27'</td>
</tr>
</tbody>
</table>

## HOLE HP-2

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 7'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>7'-0&quot; to 10'-0&quot;</td>
<td>Sand &amp; Gravel; medium to coarse grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>10'-0&quot; to 12'-0&quot;</td>
<td>Clay; dark brown</td>
</tr>
<tr>
<td>12'-0&quot; to 26'-0&quot;</td>
<td>Sand &amp; Gravel; medium to coarse grained, gravel to 2&quot;</td>
</tr>
<tr>
<td>26'-0&quot; to 30'-0&quot;</td>
<td>Clay; gray</td>
</tr>
<tr>
<td>TD</td>
<td>Composite sample taken from 7'-10' &amp; 12'-26'</td>
</tr>
</tbody>
</table>

## HOLE HP-3

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 2'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>2'-0&quot; to 6'-0&quot;</td>
<td>Sand; medium grained, trace gravel to 1/2&quot;</td>
</tr>
<tr>
<td>6'-0&quot; to 15'-0&quot;</td>
<td>Sand &amp; Gravel; medium grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>15'-0&quot; to 33'-0&quot;</td>
<td>As Above; gravel to 3&quot;</td>
</tr>
<tr>
<td>33'-0&quot; to 35'-0&quot;</td>
<td>Clay; gray</td>
</tr>
<tr>
<td>TD</td>
<td>Composite sample taken from 2'-33'</td>
</tr>
</tbody>
</table>
HOLE HP-4

0'-0" to 5'-0"
Overburden/TopSoil; dark brown

5'-0" to 11'-0"
Clay; brown

11'-0" to 25'-0"
Sand & Gravel; medium grained, gravel to 2", water at 12 ft.

25'-0" to 30'-0"
Shale; gray

TD
No Composite taken

HOLE HP-5

0'-0" to 3'-0"
Overburden/TopSoil; dark brown

3'-0" to 5'-0"
Sand; coarse grained

5'-0" to 15'-0"
Sand & Gravel; medium to coarse grained, gravel to 1", water at 8 ft.

15'-0" to 32'-0"
As Above; gravel to 3"

TD—no further penetration
Composite sample taken from 5'-32'

HOLE HP-6

0'-0" to 3'-0"
Overburden/TopSoil; dark brown

3'-0" to 6'-0"
Sand & Gravel; fine grained, gravel to 2"

6'-0" to 10'-0"
As Above; coarse grained, gravel to 1"

10'-0" to 13'-0"
Clay; brown

13'-0" to 15'-0"
Sand & Gravel; coarse grained, gravel to 1"

15'-0" to 28'-0"
As Above; coarse grained, gravel to 3"

28'-0" to 30'-0"
Clay; gray

TD
Composite sample taken from 3'-10' & 13'-28'
HOLE HP-7

0'-0" to 6'-0"
Overburden/TopSoil; dark brown

6'-0" to 12'-0"
Sand; fine grained

12'-0" to 14'-0"
Sand & Gravel; medium to coarse grained, gravel to 2", water at 11 ft.

14'-0" to 19'-0"
Clay; dark brown

19'-0" to 29'-0"
Sand & Gravel; medium to coarse grained, gravel to 1"

29'-0" to 35'-0"
Clay; brown to gray

TD

No composite sample taken

HOLE HP-8

0'-0" to 2'-0"
Overburden/TopSoil; dark brown

2'-0" to 4'-0"
Clay; brown

4'-0" to 14'-0"
Sand & Gravel; medium to coarse grained, gravel to 2"

14'-0" to 21'-0"
Clay; gray

21'-0" to 28'-0"
Sand & Gravel; medium to coarse grained, gravel to 3"

28'-0" to 30'-0"
Shale; gray

TD

Composite sample taken from 4'-14'

HOLE HP-9

0'-0" to 4'-0"
Overburden/TopSoil; dark brown

4'-0" to 9'-0"
Sand & Gravel; medium grained, gravel to 2".

9'-0" to 12'-0"
Clay; dark brown

12'-0" to 15'-0"
Sand & Gravel; medium grained, gravel to 2

15'-0" to 17'-0"
Clay; brown

17'-0" to 26'-0"
Sand & Gravel; coarse grained, gravel to 1/2"
26'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 4'-9', 12'-15' & 17'-26'

HOLE HP-10

0'-0" to 6'-0" Overburden/TopSoil; dark brown
6'-0" to 15'-0" Sand & Gravel; fine to medium grained, gravel to 1"
15'-0" to 19'-0" Clay; brown to gray
19'-0" to 28'-0" Sand & Gravel; medium grained, gravel to 3"
28'-0" to 30'-0" Clay; brown to gray
TD
Composite sample taken from 6'-15' & 19'-28'

HOLE HP-11

0'-0" to 5'-0" Overburden/TopSoil; dark brown
5'-0" to 10'-0" Sand; coarse grained, trace gravel to 1/2"
10'-0" to 15'-0" Sand & Gravel; coarse grained, gravel to 1"
15'-0" to 28'-0" Sand & Gravel; medium grained, minor gravel to 1"
28'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 5'-28'

HOLE HP-12

0'-0" to 2'-0" Overburden/TopSoil; dark brown
2'-0" to 12'-0" Sand & Gravel; medium to coarse grained, trace gravel to 1"
12'-0" to 24'-0" As Above; coarse grained, gravel to 1", one 5" cobble
24'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 2'-24'
HOLE HP-13

0'-0" to 6'-0"
Overburden/TopSoil; dark brown

6'-0" to 14'-0"
Sand & Gravel; medium grained, minor gravel to 1", water at 12 ft.

14'-0" to 18'-0"
Clay; gray

18'-0" to 24'-0"
Sand & Gravel; medium grained, gravel to 3"

24'-0" to 30'-0"
Clay; gray

TD
Composite sample taken from 7'-14' & 18'-24'

HOLE HP-14

0'-0" to 3'-0"
Overburden/TopSoil; dark brown

3'-0" to 6'-0"
Clay; brown Sand & Gravel; fine grained, gravel to 2"

6'-0" to 11'-0"
Silt/Sand & Gravel; fine grained, gravel to 2"

11'-0" to 13'-0"
Sand & Gravel; coarse grained, gravel to 1/2"

13'-0" to 14'-0"
Clay; gray

14'-0" to 25'-0"
Sand & Gravel; medium to coarse grained, gravel to 1"

25'-0" to 30'-0"
Clay; yellowish brown to gray

TD
Composite sample taken from 6'-13' & 14'-25'

HOLE HP-15

0'-0" to 3'-0"
Overburden/TopSoil; dark brown

3'-0" to 11'-0"
Sand; fine to medium grained, trace gravel to 2"

11'-0" to 25'-0"
Clay; brown to gray

TD
Composite sample taken from 3'-11'
<table>
<thead>
<tr>
<th>HOLE</th>
<th>HP-16</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>5'-0&quot;</td>
<td>Clay; brown to gray</td>
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<tr>
<td>TD</td>
<td>No composite sample taken</td>
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<table>
<thead>
<tr>
<th>HOLE</th>
<th>HP-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>2'-0&quot;</td>
<td>Sand &amp; Gravel; fine to medium grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>11'-0&quot;</td>
<td>Clay; gray</td>
</tr>
<tr>
<td>18'-0&quot;</td>
<td>Sand &amp; Gravel; medium grained, gravel to 1/2&quot;</td>
</tr>
<tr>
<td>26'-0&quot;</td>
<td>Sand &amp; Gravel; medium grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>TD</td>
<td>Composite sample taken from 2'-11'</td>
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</tbody>
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<table>
<thead>
<tr>
<th>HOLE</th>
<th>HP-18</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot;</td>
<td>Overburden/TopSoil; dark brown</td>
</tr>
<tr>
<td>2'-0&quot;</td>
<td>Sand &amp; Gravel; medium grained, gravel to 1&quot;</td>
</tr>
<tr>
<td>15'-0&quot;</td>
<td>Sand &amp; Gravel; medium grained, gravel to 3&quot;</td>
</tr>
<tr>
<td>27'-0&quot;</td>
<td>Clay; brown to gray</td>
</tr>
<tr>
<td>TD</td>
<td>No composite sample taken</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLE</th>
<th>HP-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot;</td>
<td>Overburden/TopSoil; brown</td>
</tr>
<tr>
<td>1'-0&quot;</td>
<td>Sand &amp; Gravel; medium to coarse grained, gravel to 2&quot;, water at 8 ft.</td>
</tr>
<tr>
<td>12'-0&quot;</td>
<td>Clay; brown</td>
</tr>
<tr>
<td>19'-0&quot;</td>
<td>Sand; coarse grained</td>
</tr>
</tbody>
</table>
26'-0" to 30'-0" Clay; brown to gray
TD
Composite sample taken from 1'-12'

**HOLE HP-20**

0'-0" to 2'-0" Overburden/TopSoil; dark brown
2'-0" to 10'-0" Sand & Gravel; medium grained, gravel to 1"
10'-0" to 19'-0" Clay; brown to gray
19'-0" to 26'-0" Sand & Gravel; medium to coarse grained, gravel to 2"
26'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 2'-10' & 19'-26'

**HOLE HP-21**

0'-0" to 8'-0" Sand & Gravel; coarse grained, gravel to 2"
8'-0" to 12'-0" Sand & Gravel; medium grained, gravel to 1", water at 8 ft.
12'-0" to 20'-0" Clay; gray
TD
Composite sample taken from 0'-12'

**HOLE HP-22**

0'-0" to 1'-0" Overburden/TopSoil; brown
1'-0" to 8'-0" Sand & Gravel; medium grained, gravel to 2"
8'-0" to 14'-0" As Above; coarse grained, gravel to 3", one 5" cobble
14'-0" to 20'-0" Clay; gray
20'-0" to 27'-0" Sand & Gravel; medium grained, gravel to 2"
27'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 1'-14' & 20'-27'
HOLE  HP-23
0'-0" to 2'-0"  Overburden/TopSoil; dark brown
2'-0" to 15'-0"  Sand & Gravel; medium grained, gravel to 2", water at 10 ft.
15'-0" to 27'-0"  Sand & Gravel; medium grained, gravel to 3"
27'-0" to 30'-0"  Clay; gray
TD
Composite sample taken from 2'-27'

HOLE  HP-24
0'-0" to 4'-0"  Overburden/TopSoil; dark brown
4'-0" to 10'-0"  Clay; brown
10'-0" to 12'-0"  Sand & Gravel; medium grained, gravel to 1/2"
12'-0" to 15'-0"  Clay; gray
15'-0" to 27'-0"  Sand & Gravel; fine to medium grained, gravel to 1/2"
27'-0" to 30'-0"  Clay; brown to gray
TD
No composite sample taken

HOLE  HP-25
0'-0" to 5'-0"  Overburden/TopSoil; dark brown
5'-0" to 6'-0"  Clay; brown
6'-0" to 7'-0"  Sand; fine grained
7'-0" to 12'-0"  Sand; coarse grained, trace gravel to 1/2"
12'-0" to 19'-0"  Clay; gray
19'-0" to 28'-0"  Sand & Gravel; medium grained, gravel to 1"
28'-0" to 30'-0"  Clay; brown to gray
TD
Composite sample taken from 6'-12' & 19'-28'
HOLE HP-26
0'-0" to 6'-0" Overburden/TopSoil; dark brown
6'-0" to 8'-0" Clay; brown
8'-0" to 16'-0" Sand & Gravel; medium to coarse grained, gravel to 2"
16'-0" to 28'-0" Sand & Gravel; medium grained, gravel to 1"
28'-0" to 30'-0" Clay; brown to gray
TD Composite sample taken from 8'-28'

HOLE HP-27
0'-0" to 4'-0" Overburden/TopSoil; dark brown
4'-0" to 7'-0" Clay; brown
7'-0" to 13'-0" Sand & Gravel; medium grained, gravel to 2"
13'-0" to 18'-0" Clay; brown
18'-0" to 29'-0" Sand & Gravel; coarse grained, gravel to 3"
29'-0" to 35'-0" Clay; brown to gray
TD Composite sample taken from 7'-13' & 18'-29'

HOLE HP-28
0'-0" to 4'-0" Overburden/TopSoil; dark brown
4'-0" to 10'-0" Sand; medium grained
10'-0" to 13'-0" Sand & Gravel; medium grained, gravel to 1/2"
13'-0" to 18'-0" Clay; brown
18'-0" to 27'-0" Sand & Gravel; fine grained, gravel to 2"
27'-0" to 30'-0" Shale; gray
TD Composite sample taken from 4'-13' & 18'-27'
HOLE HP-29

0'-0" to 2'-0" Overburden/TopSoil; dark brown
2'-0" to 15'-0" Sand & Gravel; medium to coarse grained, gravel to 3", water at 15 ft.
15'-0" to 20'-0" Clay; brown
20'-0" to 27'-0" Sand & Gravel; medium to coarse grained, gravel to 3"
27'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 2'-15' & 20'-28'

HOLE HP-30

0'-0" to 3'-0" Overburden/TopSoil; dark brown
3'-0" to 4'-0" Silt/Sand; very fine grained
4'-0" to 20'-0" Sand & Gravel; medium grained, gravel to 1/2"
20'-0" to 27'-0" Sand & Gravel; coarse grained, gravel to 2"
27'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 2'-15' & 20'-27'

HOLE HP-31

0'-0" to 5'-0" Sand & Gravel; medium grained, gravel to 1"
5'-0" to 20'-0" As Above; gravel to 3"
20'-0" to 28'-0" As Above; coarse grained, gravel to 2"
28'-0" to 30'-0" Clay; gray
TD
Composite sample taken from 0'-28'

All holes logged by C.L. Coppage
Haake Dairy Property
Bore hole Location Map
LEON PROPERTY

HOLE ______ LT-1

0'-0" to 2'-0"  Top soil
2'-0" to 5'-0"  Sand; fine grained; water at 17"
5'-0" to 15'-0"  Sand; course grained; trace gravel to 1/2"
15'-0" to 28'-0"  Sand and gravel; course grained; gravel to 1"
28'-0" to 30'-0"  Shale

TD
Composite sample taken from 5' to 28'

HOLE ______ LT-2

0'-0" to 2'-0"  Top soil
2'-0" to 8'-0"  Sand; fine grained
8'-0" to 15'-0"  As above; coarse grained
15'-0" to 26'-0"  Sand and gravel; coarse grained; gravel to 2"
26'-0" to 30'0"  Shale

TD
No composite sample taken

HOLE ______ LT-3

0'-0" to 3'-0"  Top soil
3'-0" to 12'-0"  Clay; dark brown
3'-0" to 15'-0"  Sand
15'-0" to 24'-0"  As above; coarse grained, trace gravel to 1/2"
24'-0" to 30'0"  Shale
TD
No composite sample taken

**HOLE** LT-4

0'-0" to 2'-0"
Top soil

2'-0" to 6'-0"
Clay

6'-0" to 16'-0"
Sand and gravel; coarse grained; gravel to 2"

16'-0" to 25'-0"
As above; gravel to 3"

25'-0" to 30'-0"
Shale

TD
Composite sample taken from 6' to 25'

**HOLE** LT-5

0'-0" to 3'-0"
Top soil

3'-0" to 5'-0"
Sand

5'-0" to 17'-0"
Sand and gravel; fine grained; minor gravel to 1/2"

17'-0" to 27'-0"
As above; coarse grained; abundant pea gravel

27'-0" to 47'-0"
As above; gravel to 2"

47'-0" to 50'-0"
Shale

TD
No composite sample taken

**HOLE** LT-6

0'-0" to 3'-0"
Top soil

3'-0" to 13'-0"
Sand

13'-0" to 20'-0"
Sand and gravel; coarse grained; gravel to 3"
20'-0" to 37'-0"  Sand and gravel; coarse grained; abundant pea gravel
37'-0" to 47'-0"  As above; coarse grained; ____________
47'-0" to 50'-0"  Shale; gray

TD
Composite sample taken from 13'-47'

HOLE  LT-7
0'-0" to 2'-0"  Top soil
2'-0" to 6'-0"  Clay
6'-0" to 8'-0"  Sand; fine grained
8'-0" to 18'-0"  Sand and gravel; coarse grained; gravel to 1/2"
18'-0" to 27'-0"  As above; gravel to 1"
27'-0" to 30'-0"  Shale

TD
No composite sample taken

HOLE  LT-8
0'-0" to 3'-0"  Top soil
3'-0" to 7'-0"  Sand
7'-0" to 18'-0"  Sand and gravel; coarse grained; gravel to 1"
18'-0" to 26'-0"  As above; gravel to 2"

TD
Composite sample taken 6'-26'

HOLE  LT-9
0'-0" to 5'-0"  Top soil
5'-0" to 15'-0"  Sand; medium grained
15'-0" to 25'-0"  Sand and gravel; medium grained; gravel to 1/2"
25'-0" to ___'-0"  Shale

TD
No composite sample taken

**HOLE** LT-10

0'-0" to 2'-0"
Top soil

2'-0" to 8'-0"
Clay

8'-0" to 13'-0"
Sand; fine grained

13'-0" to 17'-0"
Clay; brown; water at 17'

17'-0" to 26'-0"
Sand and gravel; coarse grained; abundant pea gravel

26'-0" to 30'-0"
Shale

TD
No composite sample taken

**HOLE** LT-11

0'-0" to 2'-0"
Top soil

2'-0" to 6'-0"
Sand; fine grained

6'-0" to 26'-0"
As above; trace gravel to 1/2"

26'-0" to 30'-0"
Shale

TD
Composite sample taken from 3'-26'

4
MALLORY PROPERTY

HOLE GMA-1

0'-0" to 3'-0" Top soil
3'-0" to 7'-0" Sand; fine grained
7'-0" to 20'-0" As above; coarse grained
20'-0" to 27'-0" Sand and gravel, minor gravel to 1"

TD
Composite sample taken from 7'-27"

HOLE GMA-2

0'-0" to 5'-0" Top soil
5'-0" to 12'-0" Sand; fine grained
12'-0" to 19'-0" As above; coarse grained
19'-0" to 29'-0" Sand and gravel; minor gravel to 1/2"
29'-0" to 30'0" Shale

TD
Composite sample taken from 5'-0" to 29'-0"

HOLE GMA-3

0'-0" to 6'-0" Top soil
6'-0" to 11'-0" Clay; brown
11'-0" to 21'-0" Sand; coarse grained, water at 13ft
21'-0" to 30'-0" Sand and gravel; gravel to 2"
30'-0" to 35'0" Shale

TD
No composite sample taken
HOLE GMA-4

0'-0" to 1'-0"
Top soil

1'-0" to 3'-0"
Sand

3'-0" to 8'-0"
Sand and gravel; dirty; fine grained; gravel to 2"

8'-0" to 21'-0"
As above; clean, coarse grained; gravel to 2"

21'-0" to 34'-0"
As above, gravel to 3"; see ______________________________

TD
Composite sample taken from 3'-34'

HOLE GMA-5

0'-0" to 6'-0"
Sand and gravel; dirty; fine grained; gravel to 1"

6'-0" to 15'-0"
As above; clean; coarse grained; gravel to 2"

15'-0" to 27'-0"
As above; gravel to 3"

27'-0" to 36'-0"
As above; gravel to 2"

36'-0" to 40'-0"
Shale

TD
Composite sample taken from 6' to 36"

HOLE GMA-6

0'-0" to 6'-0"
Sand and gravel; dirty; fine grained; gravel to 2"

6'-0" to 8'-0"
Sand; fine grained

8'-0" to 12'-0"
As above; coarse grained; water @ 12'

12'-0" to 24'-0"
Sand and gravel, coarse grained, minor gravel to 2"

24'-0" to 37'-0"
As above; gravel to 3"
37'-0" to 40'-0"  Shaie

TD
No composite sample taken

**HOLE GMA-7**

0'-0" to 1'-0"  Top soil
1'-0" to 7'-0"  Silt; sand
7'-0" to 13'-0"  Sand and gravel; dirty; medium grained; gravel to 1"
13'-0" to 28'-0"  As above; clean; coarse grained; gravel to 2"
28'-0" to 46'-0"  As above; gravel to 3"
46'-0" to 50'-0"  Shale; gray

TD
Composite sample taken to 7'-46'

**HOLE GMA-8**

0'-0" to 0'-1"  Top soil
1'-0" to 3'-0"  Sand and gravel, medium grained, abundant pea gravel
3'-0" to 12'-0"  Sand; fine grained
12'-0" to 18'-0"  Sand and gravel; coarse grained; gravel to 2"
18'-0" to 23'-0"  Sand; fine grained
23'-0" to 28'-0"  Sand and gravel, coarse grained; gravel to 3"
28'-0" to 30'-0"  Shale

TD
No composite sample taken
**HOLE GMA-9**

0'-0" to 2'-0"  Top soil

2'-0" to 7'-0"  Sand and gravel; dirty; fine grained; gravel to 1/2"

7'-0" to 16'-0"  Sand; fine grained

16'-0" to 21'-0"  As above; coarse grained; trace gravel to 1/2"

21'-0" to 30'-0"  Sand and gravel; coarse grained; gravel to 2"

30'-0" to 35'-0"  Shale; gray

**TD**

No composite sample taken
# MORRISON PROPERTY

## HOLE GM-1

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<thead>
<tr>
<th>Depth</th>
<th>Description</th>
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<td>Top soil</td>
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<tr>
<td>6'-0&quot; to 9'-0&quot;</td>
<td>Sand</td>
</tr>
<tr>
<td>9'-0&quot; to 29'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 2&quot;</td>
</tr>
<tr>
<td>29'-0&quot; to 30'-0&quot;</td>
<td>Shale; gray</td>
</tr>
</tbody>
</table>

TD
Composite sample taken from 9'-29'

## HOLE GM-2

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 5'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>5'-0&quot; to 7'-0&quot;</td>
<td>Sand</td>
</tr>
<tr>
<td>7'-0&quot; to 12'-0&quot;</td>
<td>Sand and gravel; coarse grained; pea gravel</td>
</tr>
<tr>
<td>12'-0&quot; to 20'-0&quot;</td>
<td>As above; gravel to 1&quot;</td>
</tr>
<tr>
<td>20'-0&quot; to 30'0&quot;</td>
<td>As above</td>
</tr>
<tr>
<td>30'0&quot; to 35'0&quot;</td>
<td>Shale; gray</td>
</tr>
</tbody>
</table>

TD
Composite sample taken from 7' to 30'

## HOLE GM-3

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 6'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>6'-0&quot; to 15'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 3&quot;</td>
</tr>
<tr>
<td>15'-0&quot; to 30'-0&quot;</td>
<td>As above; gravel to 2&quot;; water at 15'</td>
</tr>
<tr>
<td>30'-0&quot; to 35'-0&quot;</td>
<td>Shale; gray</td>
</tr>
</tbody>
</table>

TD
Composite sample taken from 6'-30'
HOLE   GM-4
0'-0" to 7'-0"     Top soil
7'-0" to 18'-0"     Sand; trace gravel to 1/2"
18'-0" to 31'-0"    Sand and gravel; coarse grained; minor gravel to 2"
31'-0" to 35'-0"    Shale

TD
No composite sample taken

HOLE   GM-5
0'-0" to 8'-0"     Top soil
8'-0" to 12'-0"     Sand and gravel; medium grained; gravel to 1"
12'-0" to 27'-0"    As above; coarse grained
27'-0" to 30'-0"    Shale; gray

TD
Composite sample taken from 8'-27'

HOLE   GM-6
0'-0" to 1'-0"     Top soil
1'-0" to 7'-0"     Sand; fine grained
7'-0" to 18'-0"     Sand; coarse grained
18'-0" to 30'-0"    Sand and gravel; coarse grained; gravel to 1"

TD
Composite sample taken from 7'-30'

HOLE   GM-7
0'-0" to 2'-0"     Top soil
2'-0" to 5'-0" Sand; fine grained

5'-0" to 13'-0" As above; coarse grained; water at 13’

13'-0" to 25'-0" Sand and gravel; coarse grained; gravel to 2”

TD No composite sample taken
GETZ PROPERTY

HOLE  GT-1

0'-0" to 2'-0"  Top soil
2'-0" to 6'-0"  Sand; fine grained
6'-0" to 16'-0"  Sand and gravel; medium grained; gravel to 1"
16'-0" to 24'-0"  As above; coarse grained; gravel to 2"
24'-0" to 30'-0"  Clay; brown

TD
Composite sample taken from 7'-24'

HOLE  GT-2

0'-0" to 1'-0"  Top soil
1'-0" to 5'-0"  Sand
5'-0" to 25'-0"  Sand and gravel; coarse grained; abundant pea gravel; trace gravel to 1"
25'-0" to 28'-0"  As above; coarse grained;______________________
28'-0" to 30'0"  Shale; gray

TD
Composite sample taken from 5'-28'

HOLE  GT-3

0'-0" to 1'-0"  Top soil
1'-0" to 6'-0"  Silt; sand
6'-0" to 11'-0"  Sand and gravel; medium grained; gravel to 2"
11'-0" to 23'-0"  As above; abundant pea gravel
23'-0" to 29'0"  As above; coarse grained; gravel to 2"
29'-0" to 30'-0"  Shale; gray

**TD**
Composite sample taken from 6'-29'

<table>
<thead>
<tr>
<th>HOLE</th>
<th>Depth Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GT-4</strong></td>
<td>0'-0&quot; to 6'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td></td>
<td>6'-0&quot; to 8'-0&quot;</td>
<td>Sand</td>
</tr>
<tr>
<td></td>
<td>8'-0&quot; to 27'-0&quot;</td>
<td>Sand and gravel; coarse grained; pea gravel; trace gravel to 2&quot;</td>
</tr>
<tr>
<td></td>
<td>27'-0&quot; to 30'-0</td>
<td>Shale; gray</td>
</tr>
<tr>
<td><strong>TD</strong></td>
<td></td>
<td>No composite sample taken</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLE</th>
<th>Depth Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
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<td>Top soil</td>
</tr>
<tr>
<td></td>
<td>3'-0&quot; to 7'-0&quot;</td>
<td>Sand</td>
</tr>
<tr>
<td></td>
<td>7'-0&quot; to 15'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 3&quot;</td>
</tr>
<tr>
<td></td>
<td>15'-0&quot; to 27'-0&quot;</td>
<td>As above; medium grained</td>
</tr>
<tr>
<td></td>
<td>27'-0&quot; to 31'-0&quot;</td>
<td>As above; gravel to 2&quot;</td>
</tr>
<tr>
<td></td>
<td>31'-0&quot; to 35'-0&quot;</td>
<td>Shale; gray</td>
</tr>
<tr>
<td><strong>TD</strong></td>
<td></td>
<td>Composite sample taken from 7'-31'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HOLE</th>
<th>Depth Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GT-6</strong></td>
<td>0'-0&quot; to 2'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td></td>
<td>2'-0&quot; to 9'-0&quot;</td>
<td>Sand; fine grained</td>
</tr>
<tr>
<td></td>
<td>9'-0&quot; to 19'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 2&quot;</td>
</tr>
</tbody>
</table>
19'-0" to 27'-0"  As above; gravel to 3"
27'-0" to 30'-0"  Shale; gray

TD
No composite sample taken

**HOLE**  GT-7

0'-0" to 2'-0"  Top soil
2'-0" to 10'-0"  Sand
10'-0" to 16'-0"  Sand and gravel; fine grained; abundant pea gravel
16'-0" to 30'-0"  As above; gravel to 1"
30'-0" to 35'-0"  Shale; gray

TD
No composite sample taken

**HOLE**  GT-8

0'-0" to 0'-4"  Top soil
4'-0" to 7'-0"  Sand
7'-0" to 18'-0"  Sand and gravel; medium grained; gravel to 1"
18'-0" to 26'-0"  As above; gravel to 2"

TD
________Composite sample taken from 4'-26'

**HOLE**  GT-9

0'-0" to 4'-0"  Top soil
4'-0" to 6'-0"  Sand
6'-0" to 17'-0"  Sand and gravel; coarse grained; pea gravel
17'-0" to 26'-0"
As above; medium grained; gravel to 1"

26'-0" to 33'-0"
As above

33'-0" to 35'-0"
Shale; gray

TD
Composite sample taken from 6'-33'
HOOD PROPERTY

HOLE HT-1

0'-0" to 3'-0"
   Top soil

3'-0" to 15'-0"
   Sand and gravel; coarse grained; gravel to 2"

15'-0" to 17'-0"
   Clay; brown

17'-0" to 28'-0"
   Sand and gravel; coarse grained

28'-0" to 30'-0"
   Shale; gray

TD
   Composite sample taken from 3'-15'

HOLE HT-2

0'-0" to 2'-0"
   Top soil

2'-0" to 7'-0"
   Silt sand; ___________

7'-0" to 14'-0"
   Sand and gravel; coarse grained; gravel to 1"

14'-0" to 28'-0"
   As above; medium grained; gravel to 1/2"

28'-0" to 30'-0"
   Shale; gray

TD
   Composite sample taken from 7'-8'

HOLE HT-3

0'-0" to 4'-0"
   Top soil

4'-0" to 12'-0"
   Sand and gravel; coarse grained; gravel to 2"

12'-0" to 18'-0"
   As above; medium grained; abundant pea gravel, water at 12'

18'-0" to 25'-0"
   As above; coarse grained; gravel to 2";

25'-0" to 28'-0"
   Shale; gray
TD
Composite sample at 4'-25'

HOLE HT-4

0'-0" to 2'-0"
Top soil

2'-0" to 6'-0"
Sand; trace gravel to 1/2"

6'-0" to 22'-0"
Sand and gravel; coarse grained; abundant pea gravel; water at 15'

22'-0" to 28'-0"
As above; gravel to 2"

28'-0" to 30'-0"
Shale; gray

TD
Composite sample taken from 6'-28'

HOLE HT-5

0'-0" to 2'-0"
Top soil

2'-0" to 13'-0"
Sand and gravel; gravel to pea gravel

13'-0" to 18'-0"
Clay; brown

18'-0" to 25'-0"
Sand and gravel; coarse grained; gravel to 2"

25'-0" to 30'-0"
Shale; gray

TD
No composite sample taken

HOLE HT-6

0'-0" to 6'-0"
Top soil

6'-0" to 15'-0"
Sand and gravel; coarse grained; gravel to 1/2"

15'-0" to 20'-0"
Shale; gray
TD
No composite sample taken

**HOLE** HT-7

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 1'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>1'-0&quot; to 14'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 2&quot;</td>
</tr>
<tr>
<td>14'-0&quot; to 20'-0&quot;</td>
<td>Shale; gray</td>
</tr>
</tbody>
</table>

TD
Composite sample taken from 1'-14'

**HOLE** HT-8

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 2'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>2'-0&quot; to 8'-0&quot;</td>
<td>Sand; trace gravel to 1/2&quot;</td>
</tr>
<tr>
<td>8'-0&quot; to 16'-0&quot;</td>
<td>Sand and gravel; coarse grained; abundant pea gravel; water at 12'</td>
</tr>
<tr>
<td>16'-0&quot; to 20'-0&quot;</td>
<td>Shale; gray</td>
</tr>
</tbody>
</table>

TD
No composite sample taken

**HOLE** HT-9

<table>
<thead>
<tr>
<th>Depth</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 2'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>2'-0&quot; to 14'-0&quot;</td>
<td>Sand and gravel; coarse grained; gravel to 3&quot;</td>
</tr>
<tr>
<td>14'-0&quot; to 17'-0&quot;</td>
<td>Clay; brown</td>
</tr>
<tr>
<td>17'-0&quot; to 22'-0&quot;</td>
<td>Sand and gravel</td>
</tr>
<tr>
<td>22'-0&quot; to 25'-0&quot;</td>
<td>Shale; gray</td>
</tr>
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</table>

TD
Composite sample taken from 2'-14'
<table>
<thead>
<tr>
<th>HOLE</th>
<th>HT-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'-0&quot; to 2'-0&quot;</td>
<td>Top soil</td>
</tr>
<tr>
<td>2'-0&quot; to 12'-0&quot;</td>
<td>Sand and gravel; medium grained; gravel to 1&quot;</td>
</tr>
<tr>
<td>12'-0&quot; to 25'-0&quot;</td>
<td>As above; coarse grained; gravel to 2&quot;</td>
</tr>
<tr>
<td>25'-0&quot; to 32'-0&quot;</td>
<td>As above; ________________________ _</td>
</tr>
<tr>
<td>32'-0&quot; to 35'-0&quot;</td>
<td>Shale; gray</td>
</tr>
<tr>
<td>TD</td>
<td>No composite sample taken</td>
</tr>
</tbody>
</table>
EXHIBIT J

VEGETATION INFORMATION
Tucson South Sand and Gravel Mine Project—Adams County, Colorado

Wetland Delineation Report

September 2017

Prepared for: Aggregate Industries, LLC
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Prepared by: TETRA TECH
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Contents

1. Introduction ........................................................................................................................................... 1
   1.1 Project Description and Location ................................................................................................... 1
   1.2 Ecoregional Setting ....................................................................................................................... 1
   1.3 Regulatory Setting ......................................................................................................................... 2

2. Desktop Analysis Methods and Results ............................................................................................. 2
   2.1 Wetlands and Other Waters of the U.S. Desktop Methods ............................................................ 2
   2.2 Wetlands and Other Waters of the U.S. Desktop Results ............................................................. 3

3. Wetland and Other WOTUS Delineation Methods and Results ......................................................... 3
   3.1 Wetland Delineation Methods ........................................................................................................ 4

4. Wetlands and Other WOTUS Delineation Results .............................................................................. 7
   4.1 Wetlands ....................................................................................................................................... 7
   4.2 Other WOTUS Results ................................................................................................................ 10

5. Conclusions and Recommendations ................................................................................................ 11

6. References ........................................................................................................................................... 11

Tables

Table 1. Wetland Indicator Status ........................................................................................................... 4
Table 2. USFWS list of Endangered Species ........................................................................................... 8
Table 3. Delineated Wetlands in the Project Area ..................................................................................... 9
Table 4. Streams in the Project Area ......................................................................................................... 10
Attachments

Attachment 1: Figures
Attachment 2: Wetland Determination and Stream Data Forms
Attachment 3: Representative Photos
1. Introduction

Aggregate Industries (AI) is proposing to mine sand and gravel at the Tucson South Mine Project (Project) in Adams County, Colorado. On behalf of AI, Tetra Tech conducted a field survey on July 6 and 7, 2017 to characterize the site wildlife and vegetation, as well as to identify and delineate wetlands and other waters of the U.S. (WOTUS) to determine the need for permitting under Section 404 of the Clean Water Act. This report is prepared in support of a permit under a Section 404 of the Clean Water Act.

1.1 Project Description and Location

The Project is located west of Brighton, CO at the intersection of Tucson Street and Colorado Highway 7 in Sections 1 and 12 of Township 1 South, Range 67 West. The Project area has multiple parts divided by roads and parcel boundaries, and is shown in Figure 1, attached. The total Project area is approximately 227 acres. The Project will extract material and permanently leave two reservoirs and areas of uplands. The Project will include the construction of temporary construction access roads, gravel mining areas, and equipment storage areas. The Project is currently in the design phase and the final location of these features have not yet been defined. Therefore, for planning purposes, all of the Project area was evaluated for the presence of biological resources.

The Project is expected to go through a review process by the U.S. Army Corps of Engineers (USACE); U.S. Fish and Wildlife Service (USFWS); Colorado Department of Public Health and Environment; Colorado Office of Archaeology and Historic Preservation; Colorado Department of Transportation; Colorado Parks and Wildlife; Colorado Division of Mining and Reclamation Safety, and Adams County. Construction of the Project would begin after issuance of all necessary permits, which is currently anticipated as summer 2018. The Project would be developed over time and would operate indefinitely after the City of Aurora takes control of the site and operates the two reservoirs.

1.2 Ecoregional Setting

The Project is completely situated in the High Plains Level III Ecoregion. The High Plains Ecoregion includes four Level IV ecoregions. The Project ROW lies within the Flat to Rolling Plains (25d) Level IV ecoregion (Chapman et al. 2006). This ecoregion is characterized by moderate topological relief, silty and sandy soils, shortgrass prairie vegetation, and intermittent streams with few perennial streams. This ecoregion is known to have small, scattered depressional “playa” wetlands and dense oil and gas production. Elevation in the Project Area is between 4,900 and 5,000 feet above sea level. The Project area is located in the USACE Great Plains Region in Land Resource Region G – Western Great Plains.
1.3 Regulatory Setting

1.3.1 Clean Water Act

All discharges of dredged or fill material into jurisdictional waters of the U.S., that result in permanent or temporary losses of Waters of the United States (WOTUS), are regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA). The USACE regulates projects in navigable waters under Section 10 of the Rivers and Harbors Act.

Under USACE and U.S. Environmental Protection Agency (EPA) regulations, wetlands are defined as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” In non-tidal waters, the lateral extent of USACE jurisdiction is determined by the ordinary high water mark, which is defined as the “line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas” (33 CFR 328[e]).

Depending upon the level of impacts to the jurisdictional features, a preconstruction notification (PCN) and an approved jurisdictional determination (JD) by the USACE may be necessary for the Project. For permanent impacts less than 0.1 acre, no PCN would be required. If impacts to jurisdictional waters cannot be avoided, the Project will require permitting under the CWA § 404 program administered by USACE. The Denver Regulatory Office of USACE recommends consultation on projects that may exceed these thresholds to determine the need and/or type of permitting.

2. Desktop Analysis Methods and Results

The following sections briefly describe the methods used for this series of wetland determinations. Results of the desktop analysis are shown in Attachment 1, Figure 1.

2.1 Wetlands and Other Waters of the U.S. Desktop Methods

Tetra Tech conducted a desktop analysis of the Project area to identify potential jurisdictional wetlands or other WOTUS in the proposed construction area. Desktop analysis used information described in the following sections.

The U.S. Fish and Wildlife Service (USFWS) online Wetlands Mapper tool (USFWS 2015a) depicts mapped wetlands as part of the National Wetland Inventory (NWI) Program. The NWI dataset identified one wetland in the Project area. NWI wetland polygons situated in the Project area are depicted in Attachment 1, Figure 1.
The U.S. Geological Survey (USGS) produces the National Hydrography Dataset (NHD) that identifies perennial and intermittent streams, ponds, and lakes. The online database NHD Viewer tool (USGS 2015a) was queried for the Project area. The query found one NHD feature, South Platte River, in the project area. NHD data in the Project area are depicted in Attachment 1, Figure 1.

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) is the source for hydric soils information. These data are available online via the Web Soil Survey tool (USDA-NRCS 2015). Data were obtained for the Project area and were used to cross-check against field sites that were initially observed to exhibit wetland or surface water conditions. Hydric soils were identified in the Project area associated with NWI and NHD mapped features. Additionally, the Web Soil Survey was queried for drainage class across the Project area. One soil, Nunn-Kim complex is listed by the NRCS as a hydric soil.

The USDA-Farm Service Bureau (2016) produces current high-quality aerial photography through the National Agricultural Imagery Program (NAIP). This aerial photography was used to further refine the field delineation for wetlands and other surface waterbodies within the Project area.

2.2 Wetlands and Other Waters of the U.S. Desktop Results
The Desktop Analysis identified locations where the proposed Project intersected possible wetlands or other WOTUS features. Remote sensing data (NWI, NHD, NRCS) are typically not precise. Tetra Tech wetland scientists determined that a field reconnaissance was required to determine the accurate locations and boundaries of wetlands and other WOTUS located in the Project area.

2.2.1 Floodplains
The FEMA mapped floodplain of the South Platte River is intersected by the Project. Several forested, shrub, and palustrine emergent wetlands and canals with perennial or intermittent flow were mapped in the Project area as part of wetland delineation activities (Attachment 1, Figure 1.)

3. Wetland and Other WOTUS Delineation Methods and Results
Wetland delineations for the Project were performed on July 6 and 7, 2017. The delineations were conducted in areas initially identified during the desktop analysis.
3.1 Wetland Delineation Methods

Wetland delineation for the Project followed Methods contained in the USACE Wetland Delineation Manual (USACE 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE 2010). The delineation process was utilized to document dominant vegetation, soils, and hydrology in the Project. For a site to be considered a wetland, there must be positive indication of dominance by hydrophytic vegetation, hydric soils, and characteristic wetland hydrology. In normal conditions, if a sample plot lacks any of these three criteria, it is considered upland. To determine these three variables, the field team typically designated paired sample plots, placed at discrete (typically less than 25 feet) distances from one another—one to represent wetland conditions, the other to represent uplands. Each sample plot featured a hand-dug soil pit averaging 20 inches in depth. The sample plot also included nested concentric sampling rings for vegetation cover and species identification, as follows:

- Herbaceous vegetation was identified within a 5-foot radius of the sample plot center
- Sapling/shrub vegetation was identified within a 15-foot radius of the sample plot center
- Trees and woody vines were documented within a 30-foot radius of the sample plot center

3.1.1 Hydrophytic Vegetation

The dominant vegetation at each sample plot was keyed to species level and each species was assigned a wetland indicator status using The National Wetland Plant List (Lichvar 2016). The field team used the Flora of Colorado (Ackerfield 2015) as the field taxonomic reference for keying unknown plant species.

Hydrophytic vegetation, or plants that are indicators of wetlands, include those species designated obligate (OBL), facultative wetland (FACW), or facultative (FAC). As a general rule, hydrophytes dominate a sample plot when greater than 50 percent of the evaluated species are OBL, FACW, or FAC. Upland plants include those listed with facultative upland (FACU), or upland (UPL) status. Table 1 provides descriptions of these indicators.

<table>
<thead>
<tr>
<th>Indicator Status</th>
<th>Occurrence in Wetlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obligate (OBL)</td>
<td>Almost always occur in wetlands under natural conditions (estimated probability &gt;99%).</td>
</tr>
<tr>
<td>Facultative Wetland (FACW)</td>
<td>Usually occur in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands (estimated probability 1%-33%).</td>
</tr>
<tr>
<td>Facultative (FAC)</td>
<td>Equally likely to occur in wetlands or non-wetlands (estimated probability 34%-66%).</td>
</tr>
<tr>
<td>Facultative Upland (FACU)</td>
<td>Usually occur in non-wetlands (estimated probability 67%-99%), but occasionally found in wetlands (estimated probability 1%-33%).</td>
</tr>
</tbody>
</table>
### 3.1.2 Cowardin Classification

Wetlands were classified according to *Classification of Wetlands and Deepwater Habitats in the United States* (Cowardin et al. 1979) during the field survey. The classification system, also known as the Cowardin Classification, was developed as a tool to aid in distinguishing the different types of wetlands. Three wetlands classes were identified in the Project area: palustrine (non-tidal) emergent wetlands (PEM), palustrine scrub/shrub wetlands (PSS), and palustrine forested wetlands (PFO). Palustrine features are typically situated in depressional topography. Emergent wetlands consist of erect and rooted wetland plants. Scrub/shrub wetlands are dominated by woody vegetation less than 20 feet tall. Forested wetlands are dominated by woody vegetation 20 feet high or taller.

### 3.1.3 Wetland Soils

Soil from each soil pit was evaluated for hue, value, and chroma in each observable horizon using Munsell *Soil Color Charts* (Gretag 2009). Each soil horizon was also checked for texture and for the presence of redoximorphic features, depleted matrix, saturation, and other specific criteria used to document hydric conditions. Each paired wetland and upland soil pit was mapped using a Trimble Geo 7X handheld GPS with sub-meter accuracy.

### 3.1.4 Wetland Hydrology

Hydrology was analyzed for primary and secondary wetland indicators. Primary wetland indicators included visible inundation, soil saturation, water marks, drift lines, sediment deposits, and drainage patterns in wetlands. Secondary wetland indicators of wetland hydrology included observable features such as oxidized root channels associated with living roots, water-stained leaves, soil cracks, and local soil survey data. Once established, the soil pits were left open a sufficient amount of time to allow the apparent high water table, if present, to stabilize.

### 3.1.5 Wetland Determination Data Forms

Sample plots that exhibited qualifying characteristics of hydrophytic vegetation, hydric soils, and wetland hydrology were identified as wetlands. A Wetland Determination Data Form, specific to the Great Plains Region, was completed for each paired wetland and upland sample plot. The wetland determination data forms are included in Attachment 2.

### 3.1.6 Wetland Mapping

A wetland delineation was conducted to identify the transitional area between wetland and upland conditions. Wetland scientists accomplished the delineation by walking the outer limit of visibly
identifiable wetland vegetation between the paired wetland and upland sample plots recording the path with a Trimble Geo 7X GPS. The Trimble Geo 7X GPS unit provides an estimated 3-foot (1-meter) survey accuracy (post-processing). The field-collected data were plotted as a map layer using geographic information system (GIS) software. Photographs of the wetlands are provided in the photo log included as Attachment 3.

3.1.7 **Assessment of Other WOTUS**

Non-wetland WOTUS are regulated under the CWA for the placement of dredged or fill materials. The desktop analysis and field surveys identified other WOTUS including ephemeral, intermittent, and perennial streams and ponds.

3.1.7.1 **Surface Water Assessment Methods**

Stream and pond features were mapped along their ordinary high water marks (OHWM). The USACE regulations define “ordinary high water mark” as:

> … that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Once the OHWM was observed in the field by the team, the Trimble Geo 7X GPS unit was used to map this line in the Project area. Only the western OHWM boundary was mapped during the field survey because the Project does not extend to the South Platte River beyond the OHWM and no impacts to the South Platte River are anticipated.

3.1.8 **Uplands**

Several upland points were established during the survey. Upland points were mapped to document that neither wetland nor other WOTUS conditions prevailed at these locations. These locations are generally flat or convex surfaces that do not hold surface water. They are non-jurisdictional and do not need to be avoided due to presence of wetlands or other potentially jurisdictional WOTUS. Uplands are shown in Figure 2 with an “UP” in their name.

3.1.8.1 **Swales**

One swale feature was observed during field reconnaissance. Swales are linear or curvilinear depressional features that naturally collect overland flows from surrounding uplands. The swale location that was mapped was determined to lack a defined OHWM, bed, bank, and scoured channel. It did not contain wetland plants, but was instead vegetated with upland species. Although this feature may contain flowing water during rare seasonal precipitation events, construction in this feature will not require permitting from the USACE.
4. Wetlands and Other WOTUS Delineation Results

4.1 Wetlands
A total of eight wetlands were delineated in the Project area. Narratives including the dominate wetland vegetation along with its indicator status, hydric soil indicator, and hydrology indicator for these delineated wetlands are provided below. Table 3 summarizes the delineated wetlands, the likely jurisdictional status, and the approximate acreage of each feature. The wetlands are depicted on Attachment 1, Figure 2.

4.1.1 Wetland TM-A4-WT
Wetland TM-A4-WT (Wetland A4) is a mix of palustrine emergent and forested wetland classes located on the eastern portion of the Project. The wetland is within a man-made topographical depression located adjacent to the river. Upland areas exist between the wetland and the South Platte River. Vegetation in the wetland plot was dominated by American elm (*Ulmus Americana*, FAC) and peachleaf willow (*Salix amygdaloides*, FACW) in both the tree stratum and shrub stratum. The herbaceous stratum was dominated by kochia (*Bassia scoparia*, FACU). Soils in the wetland sample plot were clays which qualified for the hydric soil indicator Redox Dark Surface (F6) and Depleted Below Dark Surface (A11). The hydrology indicators for the wetland included Oxidized Rhizospheres on Living Roots (C3) in 10 percent of the soil profile and Geomorphic Position (D2). Wetland A4 is approximately 0.53 acre. Although this wetland did not appear to have an outlet to the South Platte River, the wetland is likely a jurisdictional WOTUS because of its location within the 100-year floodplain associated with the South Platte River. The South Platte River is a perennial water and is considered a traditionally navigable water (TNW).

4.1.2 Wetland TM-A6-WT
Wetland TM-A6-WT (Wetland A6) is a mix of palustrine emergent and forested wetland classes located immediately west of Wetland A4. Wetland A6 is part of the same man-made topographical depression as Wetland A4. Although upland areas surround Wetland A6, Wetlands A4 and A6 overflow drainage patterns did exist indicating that Wetland A6 may occasionally overflow into Wetland A4. The western boundary of Wetland A6 is Tucson Street. Vegetation in the wetland plot was dominated by plains cottonwood (*Populus deltoides ssp. monilifera*, FAC) and peachleaf willow in the tree stratum. The dominate vegetation in the herb stratum was narrowleaf cattail (*Typhus angustafolia*, OBL). Soils in the wetland sample plot were silty clays which qualified for the hydric soil indicator Redox Dark Surface (F6). The hydrology indicators included Saturation (A3), Water Marks (B1), and the FAC-neutral Test (D5). Wetland A6 is approximately 3.56 acres. The wetland is likely a jurisdictional WOTUS because of its location within the 100-year floodplain.
associated with the South Platte River. The South Platte River is a perennial water and is considered a traditionally navigable water (TNW).

4.1.3 Wetland TM-A10-WT
Wetland TM-A10-WT (Wetland A10) is a palustrine emergent wetland located on the west side of the Project and adjacent to Brighton Ditch (TM-A18-STR-01). Wetland A10 is a fringe wetland surrounding a small pond. The mapped area for this wetland includes the pond area. Vegetation in the wetland sample plot was dominated by reed canary grass (*Phalaris arundinacea*, FACW) and narrowleaf cattails. Soils in the wetland plot were clays which qualified for the hydric soil indicator Hydrogen Sulfide Odor (A4). Hydrologic indicators included Surface Water (A1), High Water Table (A2), Saturation (A3), Hydrogen Sulfide Odor (C1), and FAC-Neutral Test (D5). Wetland A10 is approximately 0.76 acre. The wetland is not likely a jurisdictional WOTUS because there is no connection to a TNW. While the feature is immediately adjacent to the Brighton Ditch and the ditch draws water from the South Platte River, the ditch flows north eventually terminating in an upland setting.

4.1.4 Wetland TM-A11-WT
Wetland TM-A11-WT (Wetland A11) is a palustrine emergent wetland located on the west side of the Project. Piles of material nearby were observed indicating the wetland is likely man made. Wetland A11 is a fringe wetland surrounding a small pond. The mapped area for this wetland includes the pond area. Vegetation in the wetland sample plot was dominated by plains cottonwood in the tree stratum with peachleaf willow and coyote willow (*Salix exigua*, FACW) dominating the shrub stratum. The dominate vegetation in the herb stratum is Canada thistle (*Cirsium arvense*, FACU) and broadleaf cattail (*Typha latifolia*, OBL). Soils in the wetland plot were a silty clays which qualified for the hydric soil indicator Hydrogen Sulfide Odor (A4). Hydrologic indicators included High Water Table (A2), Saturation (A3), Hydrogen Sulfide Odor (C1), Geomorphic Position (D2) and FAC-Neutral Test (D5). Wetland A11 is approximately 1.00 acre. The wetland is not likely jurisdictional because there is no clear connectivity to a WOTUS.

4.1.5 Wetland TM-A12-WT
Wetland TM-A12-WT (Wetland A12) is a palustrine emergent wetland located on the west side of the Project. Wetland A12 appears to be a man-made feature created when an area of upland was excavated approximately 6 feet deep and below the water table. Piles of material nearby were observed indicating the wetland is likely man made. Vegetation in the wetland sample plot was dominated by coyote willow in the shrub stratum with annual rabbits-foot grass (*Polypogon monspeliensis*, FACW) and oak-leaf goosefoot (*Chenopodium glaucum*, FAC) dominate in the herb stratum. Soils in the wetland plot were a sands which qualified for the hydric soil indicator Hydrogen Sulfide Odor (A4). Hydrologic indicators included Hydrogen Sulfide Odor (C1), Drainage Patterns (B10) and FAC-Neutral Test (D5). Wetland A12 is approximately 0.47 acre. The wetland is not likely jurisdictional because there is no clear connectivity to a WOTUS.
4.1.6 **Wetland TM-A13-WT**

Wetland TM-A13-WT (Wetland A13) is a palustrine emergent wetland located on the west side of the Project. Wetland A13 is immediately adjacent to Wetland A12 and, like Wetland A12, appears to be a man-made feature created when an area of upland was excavated approximately 6 feet deep and below the water table. Piles of material nearby were observed indicating the wetland is likely man made. Vegetation in the wetland sample plot was dominated by narrowleaf cattails. Soils in the wetland plot were a sands which qualified for the hydric soil indicator Hydrogen Sulfide Odor (A4). Hydrologic indicators included High Water Table (A2), Saturation (A3), Hydrogen Sulfide Odor (C1), and FAC-Neutral Test (D5). Wetland A13 is approximately 0.02 acre. The wetland is not likely jurisdictional because there is no clear connectivity to a WOTUS.

4.1.7 **Wetland TM-A14-WT**

Wetland TM-A14-WT (Wetland A14) is a palustrine emergent wetland located on the west side of the Project. Wetland A14 is immediately adjacent to Wetland A12 and, like Wetland A12 appears to be a man-made feature created when an area of upland was excavated approximately 6 feet deep and below the water table. Piles of material nearby were observed indicating the wetland is likely man made. Vegetation in the wetland sample plot is dominated by narrowleaf cattails. Soils in the wetland plot were a sandy clays which qualified for the hydric soil indicator Redox Dark Surface (F6). Hydrologic indicators included High Water Table (A2), Saturation (A3), and FAC-Neutral Test (D5). Wetland A14 is approximately 0.06 acre. The wetland is not likely jurisdictional because there is no clear connectivity to a WOTUS.

4.1.8 **Wetland TM-A16-WT**

Wetland TM-A16-WT (Wetland A16) is a palustrine emergent wetland located on the west side of the Project. Wetland A14 appears to be a man-made feature created when an area of upland was excavated approximately 6 feet deep and below the water table. Piles of material nearby were observed indicating the wetland is likely man made. Vegetation in the wetland sample plot was dominated by narrowleaf cattail. Soils in the wetland plot did not meet the criteria for any hydric soil indicator, however Saturation (A3) and Saturation Visible on Aerial Imagery (B7) hydrology indicators were observed. Wetland scientists used their best professional judgement to determine that the delineated area is a wetland because hydrophytic vegetation and hydrology indicators were observed and it is very similar to the other wetlands identified in the survey area (A12, A13, and A14). Wetland A16 is approximately 0.19 acre. The wetland is not likely jurisdictional because there is no clear connectivity to a WOTUS.

### Table 3. Delineated Wetlands in the Project Area

<table>
<thead>
<tr>
<th>Wetland Number</th>
<th>Approximate Acreage</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Likely Jurisdictional Status¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>A4</td>
<td>0.53</td>
<td>39.990557</td>
<td>-104.833057</td>
<td>Jurisdictional</td>
</tr>
<tr>
<td>A6</td>
<td>3.56</td>
<td>39.990653</td>
<td>-104.834511</td>
<td>Jurisdictional</td>
</tr>
</tbody>
</table>
4.2 Other WOTUS Results

4.2.1 Streams

A total of six stream features were recorded during the field survey. Stream A1, South Platte River, is a perennial water feature that is considered a traditional navigable water and is jurisdictional. The remainder of the stream features draw water either directly or indirectly from the South Platte River but do not drain into the river or other potential WOTUS. Therefore, the rest of the streams are identified as likely non-jurisdictional. Table 4 provides a summary of the stream features noted in the Project Area. Stream forms are included in Attachment 3.

Table 4. Streams in the Project Area

<table>
<thead>
<tr>
<th>Stream Number</th>
<th>Stream Name</th>
<th>Approximate Acreage in Project Area</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Likely Jurisdictional Status¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>South Platte River</td>
<td>3.79</td>
<td>39.990557</td>
<td>-104.833057</td>
<td>Jurisdictional</td>
</tr>
<tr>
<td>A8</td>
<td>Unnamed</td>
<td>0.03</td>
<td>39.990653</td>
<td>-104.834511</td>
<td>Non-Jurisdictional</td>
</tr>
<tr>
<td>A17</td>
<td>Unnamed</td>
<td>0.06</td>
<td>39.989971</td>
<td>-104.836905</td>
<td>Non-Jurisdictional</td>
</tr>
<tr>
<td>A18</td>
<td>Brighton Ditch</td>
<td>1.29</td>
<td>39.988956</td>
<td>-104.843833</td>
<td>Non-Jurisdictional</td>
</tr>
<tr>
<td>A23</td>
<td>Unnamed</td>
<td>0.96</td>
<td>39.991824</td>
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<td>Non-Jurisdictional</td>
</tr>
<tr>
<td>A25</td>
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<td>0.06</td>
<td>39.991941</td>
<td>-104.842122</td>
<td>Non-Jurisdictional</td>
</tr>
</tbody>
</table>

¹ Note that only the USACE can render an approved Jurisdictional Determination (JD). The likely jurisdictional status listed in Table 3 only reflect Tetra Tech’s understanding of Jurisdictional Waters of the United States. Without a USACE rendered jurisdictional determination, impacts should be avoided to these wetlands.

4.2.2 Ponds

One pond was observed during field surveys (Table 5). The pond was observed to have surface water and a wetland fringe around the edge of the entire pond. This feature has no connection to a WOTUS and is likely non-jurisdictional.

Table 5. Ponds in the Project Area

<table>
<thead>
<tr>
<th>Stream Number</th>
<th>Stream Name</th>
<th>Approximate Acreage</th>
<th>Latitude</th>
<th>Longitude</th>
<th>Likely Jurisdictional Status¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ Note that only the USACE can render an approved Jurisdictional Determination (JD). The likely jurisdictional status listed in Table 3 only reflect Tetra Tech’s understanding of Jurisdictional Waters of the United States. Without a USACE rendered jurisdictional determination, impacts should be avoided to these wetlands.
5. Conclusions and Recommendations

The wetland and other WOTUS delineation report presents the results of a desktop analysis and field delineation in accordance with methods outlined in the USACE Wetland Delineation Manual (USACE 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Great Plains Region (Version 2.0) (USACE 2010).

Fourteen features were delineated in the Project area (Figure 2) including eight wetlands (Table 3), six streams (Table 4), and one pond (Table 5). Tetra Tech identified eleven of these features as not likely jurisdictional and therefore not likely subject to Section 404 permitting. Three features, Wetlands A4 and A6 and Stream A1 (South Platte River) were determined to be likely jurisdictional and subject to Section 404 permitting. Because only the USACE can determine the jurisdictional status of a wetland or other WOTUS, Tetra Tech recommends consultation with the Denver Regulatory Office of USACE prior to construction to confirm our determinations and to identify the permitting requirements, if any, for the development of the project. The USACE typically issues Nationwide permits (NWPs) from the USACE allow for minor impacts in streams, wetlands, and other WOTUS that are jurisdictional under Section 404 of the CWA. A minor impact is generally less than 0.5 acre. When impacts to jurisdictional wetlands or other WOTUS exceed minor impacts, the USACE will generally require an Individual Permit. Should the project construction design include impacts greater than 0.5 acres, the project would likely be subject to an Individual Permit.

The Project area intersects a FEMA mapped floodplain associated with the South Platte River. Tetra Tech recommends consultation with Adams County to determine permitting requirements for construction within the FEMA mapped floodplain.

6. References


Attachment 1: Figures
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Tuscon South Mine Project

Figure 1
Desktop Analysis Results Map
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil

Figure 1
Desktop Analysis Results Map
Tuscon South Mine Project
Adams County, CO
September 2017

Legend

Project Area

Hydrology
Perennial Stream (NHD)
Intermittent Stream (NHD)
Canal/Ditch (NHD)
NWI Wetland
100-year FEMA Floodplain

Transportation
State Highway

Hydric Soil
Figure 2
Wetland Delineation Results Map
Adams County, CO
September 2017

Legend
- Project Area
- Swale
- Upland Sample Plot
- Wetland Sample Plot

Field Delineated Features
- Pond
- Stream
- Wetland

Transportation
- = = State Highway

Scale is 1:2,600 when printed at 22x34"
Attachment 2: Wetland Determination and Stream Data Forms
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Sampling Date: 07/06/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A1-UP01
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: 1, T01S, R67W
Landform (hillslope, terrace, etc.): floodplain
Local relief (concave, convex, none): None
Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)
Lat: 39.990680
Long: -104.829737
Datum: WGS 84
Soil Map Unit Name: Water
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes □ No □ (If no, explain in Remarks.)
Are Vegetation ______, Soil ______, or Hydrology ______ significantly disturbed? Are “Normal Circumstances” present? Yes □ No □
Are Vegetation ______, Soil ______, or Hydrology ______ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes □ No □
Hydric Soil Present? Yes □ No □
Wetland Hydrology Present? Yes □ No □

Remarks: Plot established in a mapped NWI wetland located within the floodplain of the S. Platte River outside the OHWM. This location was selected based on the lower topography and the hydrophytic vegetation.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>Plot Size</th>
<th>Absolute % Cover of</th>
<th>Dominant Species</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum</td>
<td>30'</td>
<td></td>
<td>Populus deltoides</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sapling/Shrub Stratum</td>
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<td>Total Cover</td>
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</tr>
<tr>
<td></td>
<td>1.</td>
<td>1</td>
<td>Salix exigua</td>
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</tr>
<tr>
<td></td>
<td>2.</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3.</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4.</td>
<td>4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum</td>
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<td>40</td>
<td>Total Cover</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1.</td>
<td>1</td>
<td>Euphorbia escula</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>2.</td>
<td>2</td>
<td>Phalaris arundinacea</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>3.</td>
<td>3</td>
<td>Bromus inermis</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td>4.</td>
<td>4</td>
<td>Rumex crispus</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>5.</td>
<td>5</td>
<td>Bromus tectorum</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>6.</td>
<td>6</td>
<td>Lactuca serriola</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>7.</td>
<td>7</td>
<td>Cardaria draba</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>8.</td>
<td>8</td>
<td>Chenopodium album</td>
<td>5</td>
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<tr>
<td></td>
<td>9.</td>
<td>9</td>
<td>Bassia scoparia</td>
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<td></td>
<td>10.</td>
<td>10</td>
<td>Total Cover</td>
<td></td>
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<tr>
<td>Woody Vine Stratum</td>
<td>30'</td>
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<td></td>
<td>1.</td>
<td>1</td>
<td>None</td>
<td>0</td>
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<tr>
<td>% Bare Ground in Herb Stratum:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

Hydrophytic Vegetation Indicators:
- 1. Rapid Test for Hydrophytic Vegetation
- 2. Dominance Test is >50%
- 3. Prevalence Index is ≤3.0
- 4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation (Explain)

Hydrophytic Vegetation Present? Yes □ No □
## SOIL

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-11</td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td>Silt/Loam</td>
</tr>
<tr>
<td>11-21</td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td>Silt/Loam</td>
</tr>
</tbody>
</table>

**Indicators for Problematic Hydric Soils:**

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Hydric Soil Present?** Yes x No

**Remarks:**

## HYDROLOGY

**Wetland Hydrology Indicators:**

- **Primary Indicators (minimum of one required; check all that apply):**
  - Surface Water (A1)
  - High Water Table (A2)
  - Saturation (A3)
  - Water Marks (B1)
  - Sediment Deposits (B2)
  - Drift Deposits (B3)
  - Algal Mat or Crust (B4)
  - Iron Deposits (B5)
  - Inundation Visible on Aerial Imagery (B7)
  - Water-Stained Leaves (B9)
- **Secondary Indicators (minimum of two required):**
  - Surface Soil Cracks (B6)
  - Sparsely Vegetated Concave Surface (B8)
  - Drainage Patterns (B10)
  - Oxidized Rhizospheres on Living Roots (C3) (where notched)
  - Oxidized Rhizospheres on Living Roots (C3) (where notched)
  - Oxidized Rhizospheres on Living Roots (C3) (where notched)
  - Crayfish Burrows (C8)
  - Saturation Visible on Aerial Imagery (C9)
  - Geomorphic Position (D2)
  - FAC-Neutral Test (D5)
  - Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

- **Surface Water Present?** Yes x No
- **Water Table Present?** Yes x No
- **Saturation Present?** Yes x No

**Wetland Hydrology Present?** Yes x No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

**Project/Site:** Tucson South Mine  
**City/County:** Brighton/Adams  
**Sampling Date:** 07/06/2017  
**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Sampling Point:** TM-A4-UP01  
**Investigator(s):** C. Ansari, J. Heule  
**Section, Township, Range:** 1T01S, R67W  
**Landform:** floodplain  
**Local relief:** None  
**Slope (%):** 0.5  
**Subregion (LRR):** Western Great Plains (G)  
**Lat:** 39.990543  
**Long:** -104.832885  
**Datum:** WGS 84

**Soil Map Unit Name:** Loamy alluvial land, gravelly substratum  
**NWI classification:** N/A

---

**SUMMARY OF FINDINGS** – Attach site map showing sampling point locations, transects, important features, etc.

| Hydrophytic Vegetation Present? | Yes | No  | Is the Sampled Area within a Wetland? | Yes | No  
---|---|---|---|---|---
**Remarks:** Plot paired with TM-A4-WT01.

**VEGETATION** – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>(Plot size: 30’)</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Absolute Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Salix amygdaloides</td>
<td>20</td>
<td>Y</td>
<td>FACW</td>
<td>1 (A)</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 = Total Cover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sapling/Shrub Stratum</td>
<td>(Plot size: 15’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
<td></td>
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<tr>
<td>4.</td>
<td></td>
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<td></td>
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<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 = Total Cover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum</td>
<td>(Plot size: 5’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Bromus tectorum</td>
<td>40</td>
<td>Y</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Chenopodium album</td>
<td>20</td>
<td>Y</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Cardaria draba</td>
<td>10</td>
<td>N</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Agropyrum trachycaulm</td>
<td>20</td>
<td>Y</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum</td>
<td>(Plot size: 30’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum | 10

**Remarks:**

---

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0'
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation ' (Explain)

— Indicates of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes | No

US Army Corps of Engineers  
Great Plains – Version 2.0
### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix Color (moist)</th>
<th>% Color (moist)</th>
<th>% Redox Features</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td>Silt/Loam</td>
<td></td>
</tr>
</tbody>
</table>

1Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  
2Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)  
- Histic Epipedon (A2)  
- Black Histic (A3)  
- Hydrogen Sulfide (A4)  
- Stratified Layers (A5) (LRR F)  
- 1 cm Muck (A9) (LRR F, G, H)  
- Depleted Below Dark Surface (A11)  
- Thick Dark Surface (A12)  
- Sandy Mucky Mineral (S1)  
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)  
- 5 cm Mucky Peat or Peat (S3) (LRR F)  

### Indicators for Problematic Hydric Soils:

- 1 cm Muck (A9) (LRR I, J)  
- Coast Prairie Redox (A16) (LRR F, G, H)  
- Dark Surface (S7) (LRR G)  
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)  
- Reduced Vertic (F18)  
- Red Parent Material (TF2)  
- Very Shallow Dark Surface (TF12)  
- Other (Explain in Remarks)  

### Restrictive Layer (if present):

<table>
<thead>
<tr>
<th>Type:</th>
<th>Depth (inches):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hydric Soil Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

### Hydric Soil Present? Yes No X

### HYDROLOGY

#### Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)  
- High Water Table (A2)  
- Saturation (A3)  
- Water Marks (B1)  
- Sediment Deposits (B2)  
- Drift Deposits (B3)  
- Algal Mat or Crust (B4)  
- Iron Deposits (B5)  
- Inundation Visible on Aerial Imagery (B7)  
- Water-Stained Leaves (B9)  

<table>
<thead>
<tr>
<th>Secondary Indicators (minimum of two required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Soil Cracks (B6)</td>
</tr>
<tr>
<td>Sparsely Vegetated Concave Surface (B8)</td>
</tr>
<tr>
<td>Drainage Patterns (B10)</td>
</tr>
<tr>
<td>Oxidized Rhizospheres on Living Roots (C3) (where tilled)</td>
</tr>
<tr>
<td>Grayfish Burrows (C8)</td>
</tr>
<tr>
<td>Saturation Visible on Aerial Imagery (C9)</td>
</tr>
<tr>
<td>Geomorphic Position (D2)</td>
</tr>
<tr>
<td>FAC-Neutral Test (D5)</td>
</tr>
<tr>
<td>Frost-Heave Hummocks (D7) (LRR F)</td>
</tr>
</tbody>
</table>

### Field Observations:

- Surface Water Present? Yes No X Depth (inches):__________
- Water Table Present? Yes No X Depth (inches):__________
- Saturation Present? Yes No X Depth (inches):__________

<table>
<thead>
<tr>
<th>Wetland Hydrology Present?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

- **Project/Site:** Tucson South Mine
- **City/County:** Brighton/Adams
- **Sampling Date:** 07/06/2017
- **Applicant/Owner:** Aggregate Industries
- **State:** CO
- **Sampling Point:** TM-A4-WT01
- **Investigator(s):** C. Ansari, J. Heule
- **Section, Township, Range:** T01S, R67W
- **Landform (hillslope, terrace, etc.):** floodplain
- **Local relief (concave, convex, none):** None
- **Slope (%):** 0.5
- **Subregion (LRR):** Western Great Plains (G)
- **Soil Map Unit Name:** Loamy alluvial land, gravelly substratum
- **NWI classification:** N/A

**Are climatic / hydrologic conditions on the site typical for this time of year?** Yes [ ] No [ ] (If no, explain in Remarks.)

**Are Vegetation, Soil, or Hydrology significantly disturbed?** Are “Normal Circumstances” present? Yes [ ] No [ ]

**Are Vegetation, Soil, or Hydrology naturally problematic?** (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [ ] No [ ]</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes [ ] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes [ ] No [ ]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes [ ] No [ ]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:** Located in a depressional area between man-made berms on the north and south.

**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <em>Salix amygdaloides</em></td>
<td>20</td>
<td>Y</td>
<td>FACW</td>
</tr>
<tr>
<td>2. <em>Ulmus americana</em></td>
<td>30</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>50</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Sapling/Shrub Stratum (Plot size: 15’)**

| 1. *Salix amygdaloides*       | 20               | Y                 | FACW            |
| 2. *Ulmus americana*          | 10               | Y                 | FAC             |
| 3.                             |                  |                   |                 |
| 4.                             |                  |                   |                 |
| 5.                             | 30               |                   |                 |

**Herb Stratum (Plot size: 5’)**

| 1. *Bassia scoparia*          | 90               | Y                 | FACU            |
| 2. *Cirsium arvense*         | 5                | N                 | FACU            |
| 3.                             |                  |                   |                 |
| 4.                             |                  |                   |                 |
| 5.                             |                  |                   |                 |
| 6.                             |                  |                   |                 |
| 7.                             |                  |                   |                 |
| 8.                             |                  |                   |                 |
| 9.                             |                  |                   |                 |
| 10.                            |                  |                   |                 |

**Woody Vine Stratum (Plot size: 30’)**

| 1. None                        |                  |                   |                 |
| 2.                             |                  |                   |                 |

**% Bare Ground in Herb Stratum:** 5

**Remarks:**

<table>
<thead>
<tr>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
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<tr>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Dominance Test worksheet:**

- **Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-):** 4 (A)
- **Total Number of Dominant Species Across All Strata:** 5 (B)
- **Percent of Dominant Species That Are OBL, FACW, or FAC:** 80 (A/B)

**Prevalence Index worksheet:**

<table>
<thead>
<tr>
<th>Total % Cover of:</th>
<th>Multiply by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBL species</td>
<td>1</td>
</tr>
<tr>
<td>FACW species</td>
<td>2</td>
</tr>
<tr>
<td>FAC species</td>
<td>3</td>
</tr>
<tr>
<td>FACU species</td>
<td>4</td>
</tr>
<tr>
<td>UPL species</td>
<td>5</td>
</tr>
</tbody>
</table>

**Prevalence Index** = B/A =

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
5. Problematic Hydrophytic Vegetation (Explain)

1. Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes [ ] No [ ]
SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Color (moist)</td>
<td>%</td>
<td>Color (moist)</td>
</tr>
<tr>
<td>0-8</td>
<td>10YR 3/1</td>
<td>95</td>
<td>10YR 3/4</td>
</tr>
<tr>
<td>11-21</td>
<td>10YR 4/1</td>
<td>85</td>
<td>7.5YR 3/4</td>
</tr>
</tbody>
</table>

†Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.
‡Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<table>
<thead>
<tr>
<th>Indicators for Problematic Hydric Soils†:</th>
</tr>
</thead>
<tbody>
<tr>
<td>__ Histosol (A1)</td>
</tr>
<tr>
<td>__ Histic Epipedon (A2)</td>
</tr>
<tr>
<td>__ Black Histic (A3)</td>
</tr>
<tr>
<td>__ Hydrogen Sulfide (A4)</td>
</tr>
<tr>
<td>__ Stratified Layers (A5) (LRR F)</td>
</tr>
<tr>
<td>__ 1 cm Muck (A9) (LRR F, G, H)</td>
</tr>
<tr>
<td>__ Depleted Below Dark Surface (A11)</td>
</tr>
<tr>
<td>__ Thick Dark Surface (A12)</td>
</tr>
<tr>
<td>__ Sandy Mucky Mineral (S1)</td>
</tr>
<tr>
<td>__ 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)</td>
</tr>
<tr>
<td>__ 5 cm Mucky Peat or Peat (S3) (LRR F)</td>
</tr>
</tbody>
</table>

Restrictive Layer (if present):

<table>
<thead>
<tr>
<th>Type:</th>
<th>Depth (inches):</th>
<th>Hydric Soil Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

<table>
<thead>
<tr>
<th>Surface Water (A1)</th>
<th>Salt Crust (B11)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Water Table (A2)</td>
<td>Aquatic Invertebrates (B13)</td>
</tr>
<tr>
<td>Saturation (A3)</td>
<td>Hydrogen Sulfide Odor (C1)</td>
</tr>
<tr>
<td>Water Marks (B1)</td>
<td>Dry-Season Water Table (C2)</td>
</tr>
<tr>
<td>Sediment Deposits (B2)</td>
<td>Oxidized Rhizospheres on Living Roots (C3)</td>
</tr>
<tr>
<td>Drift Deposits (B3)</td>
<td>Presence of Reduced Iron (C4)</td>
</tr>
<tr>
<td>Algal Mat or Crust (B4)</td>
<td>Thin Muck Surface (C7)</td>
</tr>
<tr>
<td>Iron Deposits (B5)</td>
<td>Other (Explain in Remarks)</td>
</tr>
<tr>
<td>Inundation Visible on Aerial Imagery (B7)</td>
<td>(where not tilled)</td>
</tr>
<tr>
<td>Water-Stained Leaves (B9)</td>
<td>FAC-Neutral Test (D5)</td>
</tr>
</tbody>
</table>

Secondary Indicators (minimum of two required)

| Surface Soil Cracks (B6) |
| Sparsely Vegetated Concave Surface (B8) |
| Drainage Patterns (B10) |
| Oxidized Rhizospheres on Living Roots (C3) (where tilled) |
| Crayfish Burrows (C8) |
| Saturation Visible on Aerial Imagery (C9) |
| Geomorphic Position (D2) |

Field Observations:

| Surface Water Present? | Yes | No | Depth (inches): |
| Water Table Present?  | Yes | No | Depth (inches): |
| Saturation Present?   | Yes | No | Depth (inches): |

Wetland Hydrology Present? | Yes | No |

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine  City/County: Brighton/Adams  Sampling Date: 07/06/2017
Applicant/Owner: Aggregate Industries  State: CO  Sampling Point: TM-A5-UP01
Investigator(s): C. Ansari, J. Heule  Section, Township, Range: T01S, R67W
Landform (hillslope, terrace, etc.): floodplain  Local relief (concave, convex, none): None  Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)  Lat: 39.990338  Long: -104.832621  Datum: WGS 84
Soil Map Unit Name: Loamy alluvial land, gravelly substratum  NWI classification: N/A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes [ ] No [x] (If no, explain in Remarks.)
Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed? Are “Normal Circumstances” present? Yes [x] No [ ]
Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [x] No [ ]</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes [x] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes [x] No [ ]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes [x] No [ ]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Plot established outside the bermed wetland area (TM-A4-WT) in the northeast corner of the associated agricultural field in a small sloped area with willows and cottonwood trees present.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Populus deltoides</td>
<td>30</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15’)</th>
<th>Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salix exigua</td>
<td>40</td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5’)</th>
<th>Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chenopodium album</td>
<td>70</td>
</tr>
<tr>
<td>2. Cardaria draba</td>
<td>30</td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
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<td>6.</td>
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<td>7.</td>
<td></td>
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<td>8.</td>
<td></td>
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<tr>
<td>9.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30’)</td>
<td>Total Cover</td>
</tr>
<tr>
<td>1. None</td>
<td>100</td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum: [ ]

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC–):
Total Number of Dominant Species Across All Strata:
Percent of Dominant Species That Are OBL, FACW, or FAC:

Prevalence Index worksheet:
Total % Cover of:
OBL species x 1 =
FACW species x 2 =
FAC species x 3 =
FACU species x 4 =
UPL species x 5 =
Column Totals: (A) (B)
Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index ≤3.01
4. Morphological Adaptations³ (Provide supporting data in Remarks or on a separate sheet)
Problematic Hydrophytic Vegetation³ (Explain)

³Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes [x] No [ ]
SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Color (moist)</td>
<td>%</td>
</tr>
<tr>
<td>0-18</td>
<td>10YR 3/3</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- Sand Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High Plains Depressions (F16)
- (MLRA 72 & 73 of LRR H)

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Grayish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

Field Observations:

Surface Water Present? Yes No Depth (inches): ________
Water Table Present? Yes No Depth (inches): ________
Saturation Present? Yes No Depth (inches): ________
(includes capillary fringe)

Wetland Hydrology Present? Yes No

Remarks:
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

**Project/Site:** Tucson South Mine  
**City/County:** Brighton/Adams  
**Sampling Date:** 07/06/2017  
**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Investigator(s):** C. Ansari, J. Heule  
**Section, Township, Range:** T01S, R67W  
**Landform (hillslope, terrace, etc.):** floodplain  
**Local relief (concave, convex, none):** Concave  
**Slope (%):** 0.5  
**Subregion (LRR):** Western Great Plains (G)  
**Lat:** 39.990711  
**Long:** -104.834461  
**Datum:** WGS 84  
**Soil Map Unit Name:** Loamy alluvial land, gravelly substratum  
**NWI classification:** N/A  
**Are climatic / hydrologic conditions on the site typical for this time of year?** Yes ☑ No ☐ (If no, explain in Remarks.)

**Are Vegetation, Soil, or Hydrology significantly disturbed?** Yes ☑ No ☐  
**Are Vegetation, Soil, or Hydrology naturally problematic?** Yes ☑ No ☐ (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS** – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☑ No ☐</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes ☑ No X ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☑ No ☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☑ No ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:** Plot paired with wetland TM-A6-WT-01

**VEGETATION** – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>(Plot size)</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Absolute Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum (30')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<td>3.</td>
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<tr>
<td>4.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sapling/Shrub Stratum (15')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1.</td>
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<td>2.</td>
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<tr>
<td>3.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum (5')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Bromus tectorum</td>
<td>50</td>
<td>Y</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cirsium arvense</td>
<td>10</td>
<td>N</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Hordeum jubatum</td>
<td>5</td>
<td>N</td>
<td>FACW</td>
<td></td>
<td></td>
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<tr>
<td>4.</td>
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<td>5.</td>
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<td>6.</td>
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<td>7.</td>
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<tr>
<td>9.</td>
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<tr>
<td>10.</td>
<td></td>
<td>65</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (30')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:**

<table>
<thead>
<tr>
<th>Tree Stratum (30')</th>
<th>Sapling/Shrub Stratum (15')</th>
<th>Herb Stratum (5')</th>
<th>Woody Vine Stratum (30')</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td>1. Bromus tectorum</td>
<td>1. Hordeum jubatum</td>
<td>1. None</td>
</tr>
<tr>
<td>2.</td>
<td>2. Cirsium arvense</td>
<td></td>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
<td>3. Hordeum jubatum</td>
<td></td>
<td>3.</td>
</tr>
<tr>
<td>4.</td>
<td>4.</td>
<td></td>
<td>4.</td>
</tr>
<tr>
<td>5.</td>
<td>5.</td>
<td></td>
<td>5.</td>
</tr>
<tr>
<td>% Bare Ground in Herb Stratum</td>
<td>35%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Hydrophytic Vegetation Present?** Yes ☑ No X ☐}

**Dominance Test worksheet:**

- Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): 0 (A)
- Total Number of Dominant Species Across All Strata: 1 (B)
- Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**

- Total % Cover of: Multiply by:
  - OBL species x 1 =
  - FACW species x 2 =
  - FAC species x 3 =
  - FACU species x 4 =
  - UPL species x 5 =
- Column Totals: (A) (B)
- Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**

- 1 - Rapid Test for Hydrophytic Vegetation
- 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0
- 4 - Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
- 5 - Problematic Hydrophytic Vegetation (Explain)

1Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes ☑ No X ☐
**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix Color (moist)</th>
<th>%</th>
<th>Redox Features Color (moist)</th>
<th>%</th>
<th>Type(^1)</th>
<th>Location(^2)</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 4/3</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sand</td>
<td></td>
</tr>
</tbody>
</table>

\(^1\)Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  
\(^2\)Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:** *(Applicable to all LRRs, unless otherwise noted.)*

<table>
<thead>
<tr>
<th>Type:</th>
<th>Remarks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Histosol (A1)</td>
<td></td>
</tr>
<tr>
<td>Histic Epipedon (A2)</td>
<td></td>
</tr>
<tr>
<td>Black Histic (A3)</td>
<td></td>
</tr>
<tr>
<td>Hydrogen Sulfide (A4)</td>
<td></td>
</tr>
<tr>
<td>Stratified Layers (A5) (LRR F)</td>
<td></td>
</tr>
<tr>
<td>1 cm Muck (A9) (LRR F, G, H)</td>
<td></td>
</tr>
<tr>
<td>Depleted Below Dark Surface (A11)</td>
<td></td>
</tr>
<tr>
<td>Thick Dark Surface (A12)</td>
<td></td>
</tr>
<tr>
<td>Sandy Mucky Mineral (S1)</td>
<td></td>
</tr>
<tr>
<td>2.5 cm Mucky Peat or Peat (S2) (LRR G, H)</td>
<td></td>
</tr>
<tr>
<td>5 cm Mucky Peat or Peat (S3) (LRR F)</td>
<td></td>
</tr>
</tbody>
</table>

**Indicators for Problematic Hydric Soils\(^3\):**

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- **(LRR H outside of MLRA 72 & 73)**
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

\(^3\)Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

<table>
<thead>
<tr>
<th>Type:</th>
<th>Remarks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth (inches):</td>
<td></td>
</tr>
</tbody>
</table>

**Hydric Soil Present?** Yes **No**

**Hydrology**

**Wetland Hydrology Indicators:**

**Primary Indicators** *(minimum of one required; check all that apply)*

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

**Secondary Indicators** *(minimum of two required)*

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

<table>
<thead>
<tr>
<th>Surface Water Present?</th>
<th>Yes <strong>No</strong></th>
<th>Depth (inches):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Table Present?</td>
<td>Yes <strong>No</strong></td>
<td>Depth (inches):</td>
</tr>
<tr>
<td>Saturation Present?</td>
<td>Yes <strong>No</strong></td>
<td>Depth (inches):</td>
</tr>
</tbody>
</table>

**Wetland Hydrology Present?** Yes **No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

**Remarks:**
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine  
Applicant/Owner: Aggregate Industries  
Investigator(s): C. Ansari, J. Heule

City/County: Brighton/Adams  
State: CO  
Section, Township, Range: 1, T01S, R67W

Sampling Date: 07/06/2017  
Sampling Point: TM-A6-WT01

Landform (hillslope, terrace, etc.): floodplain  
Local relief (concave, convex, none): Concave

Slope (%): 0.5  
Subregion (LRR): Western Great Plains (G)

Soil Map Unit Name: Loamy alluvial land, gravelly substratum  
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _ No  
(If no, explain in Remarks.)

Are Vegetation, Soil, or Hydrology significantly disturbed? Are “Normal Circumstances” present? Yes X _ No

Are Vegetation, Soil, or Hydrology naturally problematic?  
(If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes X _ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes X _ No</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes X _ No</td>
</tr>
</tbody>
</table>

Is the Sampled Area within a Wetland? Yes X _ No

Remarks:

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Populus deltoides</td>
<td>20</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>2. Salix amygdaloides</td>
<td>30</td>
<td>Y</td>
<td>FACW</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Typha angustifolia</td>
<td>85</td>
<td>Y</td>
<td>OBL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Percent of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): 3

Total Number of Dominant Species Across All Strata: 3

Percent of Dominant Species That Are OBL, FACW, or FAC: 100

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0'
4. Morphological Adaptations’ (Provide supporting data in Remarks or on a separate sheet)
5. Problematic Hydrophytic Vegetation’ (Explain)

Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

% Bare Ground in Herb Stratum: 15

Remarks:

Remarks:
Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Color (moist)</td>
<td>%</td>
</tr>
<tr>
<td>0-9</td>
<td>10YR 3/2</td>
<td>98</td>
</tr>
<tr>
<td>9-18</td>
<td>10YR 3/2</td>
<td>90</td>
</tr>
<tr>
<td>18-21</td>
<td>10YR 2/2</td>
<td>80</td>
</tr>
</tbody>
</table>

Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<table>
<thead>
<tr>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Histosol (A1)</td>
</tr>
<tr>
<td>Histic Epipedon (A2)</td>
</tr>
<tr>
<td>Black Histic (A3)</td>
</tr>
<tr>
<td>Hydrogen Sulfide (A4)</td>
</tr>
<tr>
<td>Stratified Layers (A5) (LRR F)</td>
</tr>
<tr>
<td>1 cm Muck (A9) (LRR F, G, H)</td>
</tr>
<tr>
<td>Depleted Below Dark Surface (A11)</td>
</tr>
<tr>
<td>Thick Dark Surface (A12)</td>
</tr>
<tr>
<td>Sandy Mucky Mineral (S1)</td>
</tr>
<tr>
<td>2.5 cm Mucky Peat or Peat (S2) (LRR G, H)</td>
</tr>
<tr>
<td>5 cm Mucky Peat or Peat (S3) (LRR F)</td>
</tr>
</tbody>
</table>

Indicators for Problematic Hydric Soils:

<table>
<thead>
<tr>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 cm Muck (A9) (LRR I, J)</td>
</tr>
<tr>
<td>Coast Prairie Redox (A16) (LRR F, G, H)</td>
</tr>
<tr>
<td>Dark Surface (S7) (LRR G)</td>
</tr>
<tr>
<td>High Plains Depressions (F16) (LRR H outside of MLRA 72 &amp; 73)</td>
</tr>
<tr>
<td>Reduced Vertic (F18)</td>
</tr>
<tr>
<td>Red Parent Material (TF2)</td>
</tr>
<tr>
<td>Very Shallow Dark Surface (TF12)</td>
</tr>
<tr>
<td>Other (Explain in Remarks)</td>
</tr>
</tbody>
</table>

Restrictive Layer (if present):

Type: ____________________________

Depth (inches): ____________________________

Hydric Soil Present? Yes X No ______

Remarks: ____________________________

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

<table>
<thead>
<tr>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water (A1)</td>
</tr>
<tr>
<td>High Water Table (A2)</td>
</tr>
<tr>
<td>Saturation (A3)</td>
</tr>
<tr>
<td>Water Marks (B1)</td>
</tr>
<tr>
<td>Sediment Deposits (B2)</td>
</tr>
<tr>
<td>Drift Deposits (B3)</td>
</tr>
<tr>
<td>Algal Mat or Crust (B4)</td>
</tr>
<tr>
<td>Iron Deposits (B5)</td>
</tr>
<tr>
<td>Inundation Visible on Aerial Imagery (B7)</td>
</tr>
<tr>
<td>Water-Stained Leaves (B9)</td>
</tr>
<tr>
<td>Salt Crust (B11)</td>
</tr>
<tr>
<td>Aquatic Invertebrates (B13)</td>
</tr>
<tr>
<td>Dry-Season Water Table (C2)</td>
</tr>
<tr>
<td>Oxidized Rhizospheres on Living Roots (C3) (where not tilled)</td>
</tr>
<tr>
<td>Presence of Reduced Iron (C4)</td>
</tr>
<tr>
<td>Thin Muck Surface (C7)</td>
</tr>
<tr>
<td>Other (Explain in Remarks)</td>
</tr>
</tbody>
</table>

Secondary Indicators (minimum of two required)

<table>
<thead>
<tr>
<th>Indicator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Soil Cracks (B6)</td>
</tr>
<tr>
<td>Sparsely Vegetated Concave Surface (B8)</td>
</tr>
<tr>
<td>Drainage Patterns (B10)</td>
</tr>
<tr>
<td>Oxidized Rhizospheres on Living Roots (C3)</td>
</tr>
<tr>
<td>Crayfish Burrows (C8)</td>
</tr>
<tr>
<td>Saturation Visible on Aerial Imagery (C9)</td>
</tr>
<tr>
<td>Geomorphic Position (D2)</td>
</tr>
<tr>
<td>FAC-Neutral Test (D5)</td>
</tr>
<tr>
<td>Frost-Heave Hummocks (D7) (LRR F)</td>
</tr>
</tbody>
</table>

Field Observations:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Yes</th>
<th>No</th>
<th>Depth (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water Present?</td>
<td>Yes</td>
<td>X</td>
<td>14</td>
</tr>
<tr>
<td>Water Table Present?</td>
<td>Yes</td>
<td>X</td>
<td>9</td>
</tr>
<tr>
<td>Saturation Present? (includes capillary fringe)</td>
<td>Yes</td>
<td>X</td>
<td>9</td>
</tr>
</tbody>
</table>

Wetland Hydrology Present? Yes X No ______

Remarks: ____________________________

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: ____________________________
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

Project/Site: Tucson South Mine  
City/County: Brighton/ Adams  
Sampling Date: 07/06/2017  
Applicant/Owner: Aggregate Industries  
State: CO  
Investigator(s): C. Ansari, J. Heule  
Section, Township, Range: T01S, R67W  
Landform (hillslope, terrace, etc.): floodplain  
Local relief (concave, convex, none): Concave  
Subregion (LRR): Western Great Plains (G)  
Lat: 39.989935  
Long: -104.836961  
Datum: WGS 84  
Soil Map Unit Name: Loamy alluvial land, gravelly substratum  
NWI classification: N/A

**SUMMARY OF FINDINGS** – Attach site map showing sampling point locations, transects, important features, etc.

|---------------------------------|----------------------|-----------------------------|--------------------------------------|
| Yes  
X | Yes  
X | Yes  
X | Yes  
X |

Remarks: Plot paired with TM-A7-WT-01

**VEGETATION** – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>Herb Stratum (Plot size: 5')</th>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>% Bare Ground in Herb Stratum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td>0 = Total Cover</td>
<td>0 = Total Cover</td>
<td>95 = Total Cover</td>
<td>5</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>5.</td>
<td></td>
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<tr>
<td>6.</td>
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<tr>
<td>7.</td>
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<td>8.</td>
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<td></td>
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<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Dominance Test worksheet:**
- Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): 0 (A)
- Total Number of Dominant Species Across All Strata: 1 (B)
- Percent of Dominant Species That Are OBL, FACW, or FAC: 0 (A/B)

**Prevalence Index worksheet:**
- OBL species x 1 =  
- FACW species x 2 =  
- FAC species x 3 =  
- FACU species x 4 =  
- UPL species x 5 =  
- Column Totals: (A) 

Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**
- 1 - Rapid Test for Hydrophytic Vegetation
- 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0
- 4 - Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

**Remarks:**
- Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>10YR 3/3 100</td>
<td>Type</td>
</tr>
</tbody>
</table>

Redox Features:
- Color (moist) %
- Color (moist) %
- Type
- Texture
- Remarks

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)
- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

Indicators for Problematic Hydric Soils:
- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- Other (Explain in Remarks)

Restrictive Layer (if present):
- Type:
- Depth (inches):

Hydric Soil Present? Yes No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply):
- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

Secondary Indicators (minimum of two required):
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Field Observations:
- Surface Water Present? Yes No X Depth (inches):___________
- Water Table Present? Yes No X Depth (inches):___________
- Saturation Present? Yes No X Depth (inches):___________

Wetland Hydrology Present? Yes No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
Applicant/Owner: Aggregate Industries
Investigator(s): C. Ansari, J. Heule

City/County: Brighton/Adams
Section, Township, Range: 1 T01S, R67W
Landform (hillslope, terrace, etc.): floodplain
Local relief (concave, convex, none): concave
Subregion (LRR): Western Great Plains (G)
Soil Map Unit Name: Loamy alluvial land, gravelly substratum

Sampling Date: 07/06/2017
State: CO
Slope (%): 0.5
Long: -104.834511
Datum: WGS 84

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐

Remarks: Feature appears to be man-made with berms forming the north/south boundaries. The wetland is composed of multiple wetland classes including PFO, PSS, and PEM.

Hydrophytic Vegetation Present? Yes ☒ No ☐
Hydric Soil Present? Yes ☒ No ☐
Wetland Hydrology Present? Yes ☒ No ☐

Vegetation

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Absolute</th>
<th>Dominant Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ulmus americana</td>
<td>15</td>
<td>Y</td>
<td>FAC</td>
<td>3</td>
<td>(A)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Rumex crispus</td>
<td>40</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>2. Typha angustifolia</td>
<td>55</td>
<td>Y</td>
<td>OBL</td>
</tr>
<tr>
<td>3. Cardaria draba</td>
<td>5</td>
<td>N</td>
<td>UPL</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% Bare Ground in Herb Stratum</th>
<th></th>
</tr>
</thead>
</table>

Remarks:

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): 3 (A)
Total Number of Dominant Species Across All Strata: 3 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

<table>
<thead>
<tr>
<th>Total % Cover of:</th>
<th>Multiply by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBL species</td>
<td>x 1</td>
</tr>
<tr>
<td>FACW species</td>
<td>x 2</td>
</tr>
<tr>
<td>FAC species</td>
<td>x 3</td>
</tr>
<tr>
<td>FACU species</td>
<td>x 4</td>
</tr>
<tr>
<td>UPL species</td>
<td>x 5</td>
</tr>
<tr>
<td>Column Totals:</td>
<td>(A)</td>
</tr>
</tbody>
</table>

Prevalence Index = B/A

Hydrophytic Vegetation Indicators:

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0'
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation (Explain)

Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ☒ No ☐
Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6</td>
<td>10YR 4/2</td>
<td>2.5YR 3/6</td>
<td>Sand</td>
<td>Fine to coarse grain sand</td>
</tr>
<tr>
<td>6-9</td>
<td>10YR 2/2</td>
<td>2.5YR 3/6</td>
<td>Sand</td>
<td>Saturated</td>
</tr>
<tr>
<td>9-22</td>
<td>10YR 3/2</td>
<td>2.5YR 3/6</td>
<td>Sand</td>
<td>water table at 16&quot;</td>
</tr>
</tbody>
</table>

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

**Indicators for Problematic Hydric Soils**:

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- MLRA 72 & 73 of LRR H outside of MLRA 72 & 73
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Hydrology**

**Wetland Hydrology Indicators:**

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

**Secondary Indicators:** (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where filled)
- Grayish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

- Surface Water Present? Yes No Depth (inches): 16
- Water Table Present? Yes No Depth (inches): 9
- Saturation Present? Yes No Depth (inches): 9

**Wetland Hydrology Present?** Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
Project/Site: Tucson South Mine
City/County: Brighton/Adams
Sampling Date: 07/06/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A10-UP0
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): none
Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)
Lat: 39.988969
Long: -104.843787
Datum: WGS 84
Soil Map Unit Name: Wet alluvial land
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No (If no, explain in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Is the Sampled Area within a Wetland?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No ☒</td>
<td>No ☒</td>
</tr>
</tbody>
</table>

Remarks: Plot paired with TM-A10-WT-01

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>(Plot size: 30')</th>
<th>% Cover</th>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>4.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum</th>
<th>(Plot size: 15')</th>
<th>% Cover</th>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>1.</td>
<td></td>
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<td>2.</td>
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<td>3.</td>
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<td>4.</td>
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<tr>
<td>5.</td>
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</tr>
<tr>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum</th>
<th>(Plot size: 5')</th>
<th>% Cover</th>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hordeum jubatum</td>
<td></td>
<td>10</td>
<td>Y</td>
<td>FACW</td>
</tr>
<tr>
<td>Lepidium perfoliatum</td>
<td></td>
<td>15</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>Bromus inermus</td>
<td></td>
<td>10</td>
<td>Y</td>
<td>UPL</td>
</tr>
<tr>
<td>Taraxacum officinale</td>
<td></td>
<td>5</td>
<td>N</td>
<td>FACU</td>
</tr>
<tr>
<td>Bassia scoparia</td>
<td></td>
<td>10</td>
<td>Y</td>
<td>FACU</td>
</tr>
<tr>
<td>Lactua serriola</td>
<td></td>
<td>5</td>
<td>N</td>
<td>FAC</td>
</tr>
<tr>
<td>Cirsium arvense</td>
<td></td>
<td>10</td>
<td>Y</td>
<td>FACU</td>
</tr>
<tr>
<td>Carduus acanthoides</td>
<td></td>
<td>15</td>
<td>Y</td>
<td>UPL</td>
</tr>
<tr>
<td>80</td>
<td>Total Cover</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum</th>
<th>(Plot size: 30')</th>
<th>% Cover</th>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum: 20

Remarks:

Hydrophytic Vegetation Indicators:
1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
   - Problematic Hydrophytic Vegetation (Explain)

Hydrophytic Vegetation Present? Yes ☒ No ☒
### SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>(inches)</td>
<td>Color (moist)</td>
<td>% Color (moist)</td>
<td>% Type¹</td>
<td>Loc²</td>
</tr>
<tr>
<td></td>
<td>%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-9</td>
<td>10YR 4/3</td>
<td>40</td>
<td></td>
<td>Sandy Cl讁</td>
</tr>
<tr>
<td>0-9</td>
<td>10YR 3/2</td>
<td>60</td>
<td></td>
<td>Sandy Cl讁 two dominate matrices</td>
</tr>
<tr>
<td>0-9</td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td>Sandy Cl讁</td>
</tr>
<tr>
<td>9-17</td>
<td>10YR 3/2</td>
<td></td>
<td>Clay</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  
²Location: PL=Pore Lining, M=Matrix.

#### Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)  
- Histic Epipedon (A2)  
- Black Histic (A3)  
- Hydrogen Sulfide (A4)  
- Stratified Layers (A5)  
- 1 cm Muck (A9)  
- Depleted Below Dark Surface (A11)  
- Thick Dark Surface (A12)  
- Sandy Mucky Mineral (S1)  
- 2.5 cm Mucky Peat or Peat (S2)  
- 5 cm Mucky Peat or Peat (S3)  

#### Indicators for Problematic Hydric Soils¹:

- 1 cm Muck (A9) (LRR I, J)  
- Coast Prairie Redox (A16) (LRR F, G, H)  
- Dark Surface (S7) (LRR G)  
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)  
- Reduced Vertic (F18)  
- Red Parent Material (TF2)  
- Very Shallow Dark Surface (TF12)  
- Other (Explain in Remarks)  

#### Restrictive Layer (if present):  

Type:  

Depth (inches):  

Hydric Soil Present?  

Yes   No X  

Remarks:  

### HYDROLOGY

#### Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)  
- High Water Table (A2)  
- Saturation (A3)  
- Water Marks (B1)  
- Sediment Deposits (B2)  
- Drift Deposits (B3)  
- Algal Mat or Crust (B4)  
- Iron Deposits (B5)  
- Inundation Visible on Aerial Imagery (B7)  
- Water-Stained Leaves (B9)  

Secondary Indicators (minimum of two required)

- Salt Crust (B11)  
- Aquatic Invertebrates (B13)  
- Hydrogen Sulfide Odor (C1)  
- Dry-Season Water Table (C2)  
- Oxidized Rhizospheres on Living Roots (C3)  
- Presence of Reduced Iron (C4)  
- Thin Muck Surface (C7)  
- Other (Explain in Remarks)  

Field Observations:

- Surface Water Present? Yes No X Depth (inches):  
- Water Table Present? Yes No X Depth (inches):  
- Saturation Present? Yes No X Depth (inches): (includes capillary fringe)  

Wetland Hydrology Present?  

Yes No X  

Remarks:  

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Sampling Date: 07/06/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A10-WTC
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: 1, T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): none
Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)
Lat: 39.988956
Long: -104.843833
Datum: WGS 84
Soil Map Unit Name: Wet alluvial land
NWI classification: N/A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes □ No □ (If no, explain in Remarks.)
Are Vegetation, Soil, or Hydrology significantly disturbed? Are “Normal Circumstances” present? Yes □ No □
Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes □ No □</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes □ No □</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes □ No □</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes □ No □</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Palustrine wetland that forms around a pond. An upgradient canal may contribute to the wetland formation.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Species?</th>
<th>Status</th>
<th>Dominance Test worksheet:</th>
<th>Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4 (A)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>3.</td>
<td></td>
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<tr>
<td>4.</td>
<td></td>
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</tr>
<tr>
<td>Sapling/Shrub Stratum (Plot size: 15')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Number of Dominant Species Across All Strata:</td>
</tr>
<tr>
<td>1. Salix amygdaloides</td>
<td>5</td>
<td>Y</td>
<td>FACW</td>
<td></td>
<td>4 (B)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
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<td></td>
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<tr>
<td>3.</td>
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<tr>
<td>4.</td>
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</tr>
<tr>
<td>Herb Stratum (Plot size: 5')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Phalaris arundinacea</td>
<td>35</td>
<td>Y</td>
<td>FACW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Eleocharis palustris</td>
<td>20</td>
<td>Y</td>
<td>OBL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Typha angustifolia</td>
<td>30</td>
<td>Y</td>
<td>OBL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Cirsium arvense</td>
<td>10</td>
<td>N</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>6.</td>
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<tr>
<td>7.</td>
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<td>8.</td>
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<tr>
<td>9.</td>
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<tr>
<td>10.</td>
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</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30')</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Cover</td>
</tr>
<tr>
<td>1. None</td>
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<td></td>
<td></td>
<td></td>
<td>95</td>
</tr>
<tr>
<td>2.</td>
<td></td>
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</tbody>
</table>

% Bare Ground in Herb Stratum, 5 = Total Cover

Remarks:
### Profile Description
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-16</td>
<td>10YR 4/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Clay</td>
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</tr>
</tbody>
</table>

1 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains

### Hydric Soil Indicators
(Applicable to all LRRs, unless otherwise noted)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 1 cm Muck (A9)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2)
- 5 cm Mucky Peat or Peat (S3)

### Indicators for Problematic Hydric Soils

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

### Restrictive Layer (if present):

- Type:
- Depth (inches):

### Hydric Soil Present?
Yes ☑ No

### Remarks:

### HYDROLOGY

#### Wetland Hydrology Indicators

<table>
<thead>
<tr>
<th>Primary Indicators (minimum of one required; check all that apply)</th>
<th>Secondary Indicators (minimum of two required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>X Surface Water (A1)</td>
<td>X Surface Soil Cracks (B6)</td>
</tr>
<tr>
<td>X High Water Table (A2)</td>
<td>X Sparsely Vegetated Concave Surface (B8)</td>
</tr>
<tr>
<td>X Saturation (A3)</td>
<td>X Drainage Patterns (B10)</td>
</tr>
<tr>
<td>Water Marks (B1)</td>
<td>X Oxidized Rhizospheres on Living Roots (C3)</td>
</tr>
<tr>
<td>Sediment Deposits (B2)</td>
<td>(where tilled)</td>
</tr>
<tr>
<td>Drit Deposits (B3)</td>
<td>Crayfish Burrows (C8)</td>
</tr>
<tr>
<td>Algal Mat or Crust (B4)</td>
<td>X Saturation Visible on Aerial Imagery (C9)</td>
</tr>
<tr>
<td>Iron Deposits (B5)</td>
<td>Geomorphic Position (D2)</td>
</tr>
<tr>
<td>Inundation Visible on Aerial Imagery (B7)</td>
<td>(LRR F)</td>
</tr>
<tr>
<td>Water-Stained Leaves (B9)</td>
<td>X FAC-Neutral Test (D5)</td>
</tr>
</tbody>
</table>

### Field Observations

<table>
<thead>
<tr>
<th>Surface Water Present?</th>
<th>Yes ☑ No ☐ Depth (inches): 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Table Present?</td>
<td>Yes ☑ No ☐ Depth (inches): 0</td>
</tr>
<tr>
<td>Saturation Present?</td>
<td>Yes ☑ No ☐ Depth (inches): 0</td>
</tr>
</tbody>
</table>

### Wetland Hydrology Present?
Yes ☑ No ☐

### Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

- Surface water is 2" deep at plot location.

### Remarks:

- Surface water is 2" deep at plot location.
<table>
<thead>
<tr>
<th>Project/Site:</th>
<th>Tucson South Mine</th>
</tr>
</thead>
<tbody>
<tr>
<td>City/County:</td>
<td>Brighton / Adams</td>
</tr>
<tr>
<td>Applicant/Owner:</td>
<td>Aggregate Industries</td>
</tr>
<tr>
<td>State:</td>
<td>CO</td>
</tr>
<tr>
<td>Sampling Date:</td>
<td>07/06/2017</td>
</tr>
<tr>
<td>Investigator(s):</td>
<td>C. Ansari, J. Heule</td>
</tr>
<tr>
<td>Section, Township, Range:</td>
<td>1, T01S, R67W</td>
</tr>
<tr>
<td>Landform (hillslope, terrace, etc.):</td>
<td>Valley floor</td>
</tr>
<tr>
<td>Local relief (concave, convex, none):</td>
<td>None</td>
</tr>
<tr>
<td>slope (%):</td>
<td>0.5</td>
</tr>
<tr>
<td>Subregion (LRR):</td>
<td>Western Great Plains (G)</td>
</tr>
<tr>
<td>Lat:</td>
<td>39.990025</td>
</tr>
<tr>
<td>Long:</td>
<td>-104.843406</td>
</tr>
<tr>
<td>Datum:</td>
<td>WGS 84</td>
</tr>
</tbody>
</table>

Are climatic / hydrologic conditions on the site typical for this time of year? Yes [X] No [ ] (If no, explain in Remarks.)

Are Vegetation [ ] Soil [ ] or Hydrology [ ] significantly disturbed? Are “Normal Circumstances” present? Yes [X] No [ ]

Are Vegetation [ ] Soil [ ] or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [X] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes [X] No [ ]</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes [X] No [ ]</td>
</tr>
</tbody>
</table>


### VEGETATION – Use scientific names of plants.

#### Tree Stratum (Plot size: 30’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Sapling/Shrub Stratum (Plot size: 15’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
</table>

0 = Total Cover

#### Herb Stratum (Plot size: 5’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
</table>

0 = Total Cover

#### Woody Vine Stratum (Plot size: 30’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
</table>

65 = Total Cover

### Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC –):

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
</table>

Total Number of Dominant Species Across All Strata:

Percent of Dominant Species That Are OBL, FACW, or FAC:

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Status</th>
</tr>
</thead>
</table>

Column Totals: (A) (B)

Prevalence Index = B/A =

### Prevalence Index worksheet:

<table>
<thead>
<tr>
<th>Total % Cover of:</th>
<th>Multiply by:</th>
</tr>
</thead>
</table>

OBL species [ ]

FACW species [ ]

FAC species [ ]

FACU species [ ]

UPL species [ ]

Hydrophytic Vegetation Indicators:

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations

Problematic Hydrophytic Vegetation

Hydrophytic Vegetation Present? Yes [X] No [ ]
## SOIL

### Profile Description:

(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 3/3</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sandy Lo.</td>
</tr>
</tbody>
</table>

1. **Type:** C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains

### Hydric Soil Indicators:

(Refer to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High Plains Depressions (F16)
- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

### Restrictive Layer (if present):

- **Type:**
- **Depth (inches):**

### Hydric Soil Present? Yes ☒ No X

### HYDROLOGY

#### Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

Salt Crust (B11)
Aquatic Invertebrates (B13)
Hydrogen Sulfide Odor (C1)
Dry-Season Water Table (C2)
Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
Presence of Reduced Iron (C4)
Thin Muck Surface (C7)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

#### Field Observations:

- **Surface Water Present?** Yes ☒ No X
- **Water Table Present?** Yes ☒ No X
- **Saturation Present?** Yes ☒ No X

**Wetland Hydrology Present?** Yes ☒ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
### WETLAND DETERMINATION DATA FORM – Great Plains Region

**Project/Site:** Tucson South Mine  
**City/County:** Brighton/Adams  
**Sampling Date:** 07/06/2017  
**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Sampling Point:** TM-A11-WTC  
**Investigator(s):** C. Ansari, J. Heule  
**Section, Township, Range:** T01S, R67W  
**Landform (hillslope, terrace, etc.):** Valley floor  
**Local relief (concave, convex, none):** Concave  
**Slope (%):** 0.5  
**Subregion (LRR):** Western Great Plains (G)  
**Latitude:** 39.988956  
**Longitude:** -104.843833  
**Datum:** WGS 84  
**Soil Map Unit Name:** Wet alluvial land  
**NWI classification:** N/A  

**Remarks:** Palustrine wetland that forms around a pond. An up-gradient canal may contribute to the wetland formation.

#### VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Populus deltoides</td>
<td>25</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cover: 30</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salix amygdaloides</td>
<td>10</td>
<td>Y</td>
<td>FACW</td>
</tr>
<tr>
<td>2. Salix exigua</td>
<td>15</td>
<td>Y</td>
<td>FACW</td>
</tr>
<tr>
<td>3. Elaegnus angustafolia</td>
<td>5</td>
<td>N</td>
<td>FACU</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cover: 30</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Typha latifolia</td>
<td>20</td>
<td>Y</td>
<td>OBL</td>
</tr>
<tr>
<td>2. Cirsium arvense</td>
<td>25</td>
<td>Y</td>
<td>FACU</td>
</tr>
<tr>
<td>3. Schoenoplectus pungens</td>
<td>15</td>
<td>N</td>
<td>OBL</td>
</tr>
<tr>
<td>4. Schoenoplectus acutus</td>
<td>35</td>
<td>Y</td>
<td>OBL</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cover: 95</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Cover: 0</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum: 5%  

#### Summarization of Findings

- **Hydrophytic Vegetation Present?** Yes
- **Hydric Soil Present?** Yes
- **Wetland Hydrology Present?** Yes
- **Is the Sampled Area within a Wetland?** Yes

#### Absolutes

- Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC): 5
- Total Number of Dominant Species Across All Strata: 6
- Percent of Dominant Species That Are OBL, FACW, or FAC: 83%

#### Prevalence Index

<table>
<thead>
<tr>
<th>Total % Cover of:</th>
<th>Multiply by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBL species</td>
<td>x 1 =</td>
</tr>
<tr>
<td>FACW species</td>
<td>x 2 =</td>
</tr>
<tr>
<td>FAC species</td>
<td>x 3 =</td>
</tr>
<tr>
<td>FACU species</td>
<td>x 4 =</td>
</tr>
<tr>
<td>UPL species</td>
<td>x 5 =</td>
</tr>
<tr>
<td>Column Totals:</td>
<td>(A)</td>
</tr>
<tr>
<td>Prevalence Index = B/A =</td>
<td></td>
</tr>
</tbody>
</table>

#### Hydrophytic Vegetation Indicators:

1. Rapid Test for Hydrophytic Vegetation  
2. Dominance Test is >50%  
3. Prevalence Index is ≤3.0  
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)  
5. Problematic Hydrophytic Vegetation (Explain)

1Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

#### Hydrophytic Vegetation Present?** Yes

Remarks:
SOIL

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3</td>
<td></td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Silty Clay</td>
<td></td>
</tr>
<tr>
<td>3-9</td>
<td></td>
<td>10YR 4/2</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sandy Lo.</td>
<td></td>
</tr>
<tr>
<td>9-20</td>
<td></td>
<td>5Y 5/2</td>
<td>80</td>
<td>7/5YR 6/6</td>
<td>20</td>
<td>C</td>
<td>M</td>
<td>Clay</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- X Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- X Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

Indicators for Problematic Hydric Soils:

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

3Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: ________________________________
Depth (inches): ______________________

Remarks: Hydrogen sulfide odor apparent upon cracking the soil surface.

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- X High Water Table (A2)
- X Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- X Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)
- FAC-Neutral Test (D5)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Sparingly Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Frost-Heave Hummocks (D7) (LRR F)

Field Observations:

<table>
<thead>
<tr>
<th>Surface Water Present?</th>
<th>Yes</th>
<th>No</th>
<th>Depth (inches):</th>
<th>0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Table Present?</td>
<td>Yes</td>
<td>X</td>
<td>Depth (inches):</td>
<td>10</td>
</tr>
<tr>
<td>Saturation Present?</td>
<td>Yes</td>
<td>X</td>
<td>Depth (inches):</td>
<td>1</td>
</tr>
</tbody>
</table>

Wetland Hydrology Present? Yes X No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Sampling Date: 07/07/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A12-UP0
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: 1T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): none
Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)
Lat: 39.991885
Long: -104.8417
Datum: WGS 84

Soil Map Unit Name: Loamy alluvial land, gravelly substratum
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation, Soil, or Hydrology significantly disturbed? Are “Normal Circumstances” present? Yes X No
Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes X No
Hydric Soil Present? Yes X No
Wetland Hydrology Present? Yes X No

Is the Sampled Area within a Wetland? Yes X No

Remarks:
Upland plot shared with TM-A12-WT-01 and TM-A13-WT-01

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>0 = Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>0 = Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ambrosia psilostachya</td>
<td>5 Y FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Bassia scoparia</td>
<td>5 Y FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Centaurea diffusa</td>
<td>5 Y UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Onopordum acanthium</td>
<td>5 Y UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Solanum rostratum</td>
<td>5 Y UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Argemone hispida</td>
<td>5 Y UPL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>0 = Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum: 70

Remarks:
### SOIL

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type¹</th>
<th>Loc²</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-16</td>
<td>10YR 4/3</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sand</td>
<td></td>
</tr>
</tbody>
</table>

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- High Plains Depressions (F16)
- Loamy Mucky Mineral (F1)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Restrictive Layer (if present):**

<table>
<thead>
<tr>
<th>Type:</th>
<th>Depth (inches):</th>
<th>Hydric Soil Present?</th>
<th>Yes</th>
<th>No X</th>
</tr>
</thead>
</table>

**Remarks:**

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Grayish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

<table>
<thead>
<tr>
<th>Surface Water Present?</th>
<th>Yes</th>
<th>No X</th>
<th>Depth (inches):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Table Present?</td>
<td>Yes</td>
<td>No X</td>
<td>Depth (inches):</td>
</tr>
<tr>
<td>Saturation Present?</td>
<td>Yes</td>
<td>No X</td>
<td>Depth (inches):</td>
</tr>
</tbody>
</table>

**Wetland Hydrology Present?** Yes No X

**Remarks:**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available.
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Sampling Date: 07/07/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A12-WTC
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: 1, T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): Concave
Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)
Lat: 39.991941
Long: -104.841707
Datum: WGS 84
Soil Map Unit Name: Loamy alluvial land, gravelly substratum
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks.)

Are Vegetation, Soil, or Hydrology significantly disturbed? Yes X No (If needed, explain any answers in Remarks.)

Are Vegetation, Soil, or Hydrology naturally problematic? Yes X No (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes X No</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes X No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes X No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes X No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks:
A small man-made depression that is approximately 6’ deep and below the water table. No clear connection to a WoUS.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Dominance Test worksheet:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-):</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 (A)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td>Total Number of Dominant Species Across All Strata:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 (B)</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td>Percent of Dominant Species That Are OBL, FACW, or FAC:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>100 (A/B)</td>
</tr>
<tr>
<td>Sapling/Shrub Stratum (Plot size: 15’)</td>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Salix exigua</td>
<td>25</td>
<td>Y</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum (Plot size: 5’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Typha angustifolia</td>
<td>10</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>2. Polygogon monspeliensis</td>
<td>30</td>
<td>Y</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>3. Chenopodium glauca</td>
<td>20</td>
<td>Y</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>4. Rumex crispus</td>
<td>5</td>
<td>N</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>5. Schoeoplectus acutus</td>
<td>10</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>6. Echinocolla crus-gali</td>
<td>5</td>
<td>N</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>7. Hordeum jubatum</td>
<td>5</td>
<td>N</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30’)</td>
<td>85 = Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Bare Ground in Herb Stratum</td>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks:

Hydrophytic Vegetation Indicators:
1. Rapid Test for Hydrophytic Vegetation X
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
   Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No
SOIL

Sampling Point: TM-A12-W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix Color (moist)</th>
<th>%</th>
<th>Redox Features Color (moist)</th>
<th>%</th>
<th>Type¹</th>
<th>Loc²</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 5/2</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sand</td>
<td>H2S odor</td>
</tr>
</tbody>
</table>

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)


Indicators for Problematic Hydric Soils¹:

1. 1 cm Muck (A9) (LRR I, J)  2. Coast Prairie Redox (A16) (LRR F, G, H)  3. Dark Surface (S7) (LRR G)  4. High Plains Depressions (F16)  5. (LRR H outside of MLRA 72 & 73)  6. Reduced Vertic (F18)  7. Red Parent Material (TF2)  8. Very Shallow Dark Surface (TF12)  9. Other (Explain in Remarks)

Hydric Soil Present? Yes X No

Restrictive Layer (if present):

Type: ______________________________________

Depth (inches): _____________________________

Hydric Soil Present? Yes X No

Remarks:____________________________________

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)


Secondary Indicators (minimum of two required)


Field Observations:

Surface Water Present? Yes X No Depth (inches): 1

Water Table Present? Yes X No Depth (inches): 3

Saturation Present? Yes X No Depth (inches): 0

Wetland Hydrology Present? Yes X No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: surface water 1" deep
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine               City/County: Brighton/ Adams               Sampling Date: 07/07/2017
Applicant/Owner: Aggregate Industries               State: CO               Sampling Point: TM-A12-WTC
Investigator(s): C. Ansari, J. Heule               Section, Township, Range: 1, T01S, R67W
Investigator(s): C. Ansari, J. Heule               Landform (hillslope, terrace, etc.): Valley floor               Local relief (concave, convex, none): Concave               Slope (%): 0.5
Landform (hillslope, terrace, etc.): Valley floor               Local relief (concave, convex, none): Concave               Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)               Lat: 39.991824               Long: -104.841724               Datum: WGS 84
Soil Map Unit Name: Loamy alluvial land, gravelly substratum               NWI classification: N/A
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ______ No ______ (If no, explain in Remarks.)
Are Vegetation ______. Soil ______. or Hydrology ______ significantly disturbed? Are “Normal Circumstances” present? Yes ______ No ______
Are Vegetation ______. Soil ______. or Hydrology ______ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ______ No ______
Hydric Soil Present? Yes ______ No ______
Wetland Hydrology Present? Yes ______ No ______

Remarks: A small man-made depression that is approximately 6’ deep and below the water table. No clear connection to a WoUS.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: 30’)

<table>
<thead>
<tr>
<th></th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sapling/Shrub Stratum (Plot size: 15’)

<table>
<thead>
<tr>
<th></th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Herb Stratum (Plot size: 5’)

<table>
<thead>
<tr>
<th></th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Typha angustifolia</td>
<td>100 Y</td>
<td>OBL</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Woody Vine Stratum (Plot size: 30’)

<table>
<thead>
<tr>
<th></th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum 0 ______

Hydrophytic Vegetation Indicators:

X 1 - Rapid Test for Hydrophytic Vegetation
X 2 - Dominance Test is >50%
X 3 - Prevalence Index is ≤3.0¹
X 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
X 5 - Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes ______ No ______
### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 5/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sand</td>
<td>H2S odor</td>
</tr>
</tbody>
</table>

*Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. Location: PL=Pore Lining, M=Matrix.*

#### Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Histosol (A1)</td>
<td></td>
</tr>
<tr>
<td>Histic Epipedon (A2)</td>
<td></td>
</tr>
<tr>
<td>Black Histic (A3)</td>
<td></td>
</tr>
<tr>
<td>Hydrogen Sulfide (A4)</td>
<td></td>
</tr>
<tr>
<td>Stratified Layers (A5) (LRR F)</td>
<td></td>
</tr>
<tr>
<td>1 cm Muck (A9) (LRR F, G, H)</td>
<td></td>
</tr>
<tr>
<td>Depleted Below Dark Surface (A11)</td>
<td></td>
</tr>
<tr>
<td>Thick Dark Surface (A12)</td>
<td></td>
</tr>
<tr>
<td>Sandy Mucky Mineral (S1)</td>
<td></td>
</tr>
<tr>
<td>2.5 cm Mucky Peat or Peat (S2) (LRR G, H)</td>
<td></td>
</tr>
<tr>
<td>5 cm Mucky Peat or Peat (S3) (LRR F)</td>
<td></td>
</tr>
</tbody>
</table>

#### Indicators for Problematic Hydric Soils:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 cm Muck (A9) (LRR I, J)</td>
<td></td>
</tr>
<tr>
<td>Coast Prairie Redox (A16) (LRR F, G, H)</td>
<td></td>
</tr>
<tr>
<td>Dark Surface (S7) (LRR G)</td>
<td></td>
</tr>
<tr>
<td>High Plains Depressions (F16) (LRR H outside of MLRA 72 &amp; 73)</td>
<td></td>
</tr>
<tr>
<td>Reduced Vertic (F18)</td>
<td></td>
</tr>
<tr>
<td>Red Parent Material (TF2)</td>
<td></td>
</tr>
<tr>
<td>Very Shallow Dark Surface (TF12)</td>
<td></td>
</tr>
<tr>
<td>Other (Explain in Remarks)</td>
<td></td>
</tr>
</tbody>
</table>

#### Restrictive Layer (if present):

- **Type:**
- **Depth (inches):**

#### Hydric Soil Present? Yes X No

#### Remarks:

### HYDROLOGY

#### Wetland Hydrology Indicators:

**Primary Indicators** (minimum of one required; check all that apply)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Water (A1)</td>
<td></td>
</tr>
<tr>
<td>High Water Table (A2)</td>
<td></td>
</tr>
<tr>
<td>Saturation (A3)</td>
<td></td>
</tr>
<tr>
<td>Water Marks (B1)</td>
<td></td>
</tr>
<tr>
<td>Sediment Deposits (B2)</td>
<td></td>
</tr>
<tr>
<td>Drift Deposits (B3)</td>
<td></td>
</tr>
<tr>
<td>Algal Mat or Crust (B4)</td>
<td></td>
</tr>
<tr>
<td>Iron Deposits (B5)</td>
<td></td>
</tr>
<tr>
<td>Inundation Visible on Aerial Imagery (B7)</td>
<td></td>
</tr>
<tr>
<td>Water-Stained Leaves (B9)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Crust (B11)</td>
<td></td>
</tr>
<tr>
<td>Aquatic Invertebrates (B13)</td>
<td></td>
</tr>
<tr>
<td>Hydrogen Sulfide Odor (C1)</td>
<td></td>
</tr>
<tr>
<td>Dry-Season Water Table (C2)</td>
<td></td>
</tr>
<tr>
<td>Oxidized Rhizospheres on Living Roots (C3)</td>
<td></td>
</tr>
<tr>
<td>Presence of Reduced Iron (C4)</td>
<td></td>
</tr>
<tr>
<td>Thin Muck Surface (C7)</td>
<td></td>
</tr>
<tr>
<td>Other (Explain in Remarks)</td>
<td></td>
</tr>
</tbody>
</table>

**Secondary Indicators** (minimum of two required)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Soil Cracks (B6)</td>
<td></td>
</tr>
<tr>
<td>Sparsely Vegetated Concave Surface (B8)</td>
<td></td>
</tr>
<tr>
<td>Drainage Patterns (B10)</td>
<td></td>
</tr>
<tr>
<td>Oxidized Rhizospheres on Living Roots (C3)</td>
<td></td>
</tr>
<tr>
<td>Crayfish Burrows (C8)</td>
<td></td>
</tr>
<tr>
<td>Saturation Visible on Aerial Imagery (C9)</td>
<td></td>
</tr>
<tr>
<td>Geomorphic Position (D2)</td>
<td></td>
</tr>
<tr>
<td>FAC-Neutral Test (D5)</td>
<td></td>
</tr>
<tr>
<td>Frost-Heave Hummocks (D7) (LRR F)</td>
<td></td>
</tr>
</tbody>
</table>

**Field Observations:**

- **Surface Water Present?** Yes X No
- **Water Table Depth (inches):**
- **Saturation Depth (inches):**

**Wetland Hydrology Present? Yes X No**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

**Project/Site:** Tucson South Mine

**City/County:** Brighton/Adams

**Sampling Date:** 07/07/2017

**Applicant/Owner:** Aggregate Industries

**State:** CO

**Sampling Point:** TM-A14-UP0

**Investigator(s):** C. Ansari, J. Heule

**Section, Township, Range:** 1, T01S, R67W

**Landform (hillslope, terrace, etc.):** Valley floor

**Local relief (concave, convex, none):** Convex

**Slope (%):** 5

**Subregion (LRR):** Western Great Plains (G)

**Lat:** 39.992427

**Long:** -104.842079

**Datum:** WGS 84

**Soil Map Unit Name:** Wet alluvial land

**NWI classification:** N/A

**Remarks:** Plot paired with Wetland A14-01

Are climatic / hydrologic conditions on the site typical for this time of year? Yes [X] No [ ] (If no, explain in Remarks.)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed? Are “Normal Circumstances” present? Yes [X] No [ ]

Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [X] No [ ]</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes [X] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes [X] No [ ]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes [X] No [ ]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:**

**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Dominance Test worksheet:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC):</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td>0 (A)</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td>Total Number of Dominant Species Across All Strata:</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td>1 (B)</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td>Percent of Dominant Species That Are OBL, FACW, or FAC:</td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td>0 (A/B)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Prevalence Index worksheet:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>Total % Cover of: Multiply by:</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td>OBL species x 1 =</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td>FACW species x 2 =</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td>FAC species x 3 =</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
<td>FACU species x 4 =</td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td></td>
<td>UPL species x 5 =</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
<td>Column Totals: (A) (B)</td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td></td>
<td>Prevalence Index = B/A =</td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Bare Ground in Herb Stratum</td>
<td>40</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations° (Provide supporting data in Remarks or on a separate sheet)
5. Problematic Hydrophytic Vegetation° (Explain)

°Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes [X] No [ ]
Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

**SOIL**

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sand</td>
</tr>
<tr>
<td>1-2</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2-3</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-4</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-5</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-6</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-7</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7-8</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8-9</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9-10</td>
<td>10YR 3/1</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.
2. Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)
- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

**Indicators for Problematic Hydric Soils:**
- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Restrictive Layer (if present):**
- Type: Large Cobble
- Depth (inches): 10

**Hydric Soil Present?** Yes ☑ No ☐

**Remarks:**

**HYDROLOGY**

**Wetland Hydrology Indicators:**
- Primary Indicators (minimum of one required; check all that apply)
  - Surface Water (A1)
  - High Water Table (A2)
  - Saturation (A3)
  - Water Marks (B1)
  - Sediment Deposits (B2)
  - Drift Deposits (B3)
  - Algal Mat or Crust (B4)
  - Iron Deposits (B5)
  - Inundation Visible on Aerial Imagery (B7)
  - Water-Stained Leaves (B9)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)
- Where not tilled

**Secondary Indicators (minimum of two required)**
- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**
- Surface Water Present? Yes ☑ No ☐ Depth (inches): ___________
- Water Table Present? Yes ☑ No ☐ Depth (inches): ___________
- Saturation Present? Yes ☑ No ☐ Depth (inches): ___________ (includes capillary fringe)

**Wetland Hydrology Present?** Yes ☑ No ☐

**Remarks:**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine  
City/County: Brighton/Adams  
Applicant/Owner: Aggregate Industries  
State: CO  
Investigator(s): C. Ansari, J. Heule  
Section, Township, Range: 20T01S, R67W  
Landform (hillslope, terrace, etc.): Valley floor  
Local relief (concave, convex, none): Concave  
Subregion (LRR): Western Great Plains (G)  
Soil Map Unit Name: Wet alluvial land  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐  
Are Vegetation, Soil, or Hydrology significantly disturbed? Yes ☒ No ☐  
Are Vegetation, Soil, or Hydrology naturally problematic? Yes ☒ No ☐  

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☒ No ☐</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☒ No ☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☒ No ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Adjacent (north) to Wetland A12. This is a man-made feature with no clear connection to the Brighton Ditch to the west.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>Plot Size</th>
<th>% Cover</th>
<th>Species</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree</td>
<td>30'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
</tr>
<tr>
<td>Sapling/Shrub Stratum</td>
<td>15'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
</tr>
<tr>
<td>Herb</td>
<td>5'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Typha angustifolia</td>
<td>50</td>
<td>Y</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>2. Lactuca serriola</td>
<td>5</td>
<td>N</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td>3. Schoenoplectus acutus</td>
<td>10</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>4. Hordeum jubatum</td>
<td>10</td>
<td>N</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td>5. Conyza canadensis</td>
<td>5</td>
<td>N</td>
<td>FACU</td>
<td></td>
</tr>
<tr>
<td>6. Veronica americana</td>
<td>5</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>7. Eleocharis palustris</td>
<td>5</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>8. Helianthus annuus</td>
<td>5</td>
<td>N</td>
<td>FACU</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td>95</td>
<td>Total Cover</td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum</td>
<td>30'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td>0</td>
<td>Total Cover</td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum 5

Remarks:
SOIL

Sampling Point: TM-A14-W

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-8</td>
<td></td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sandy Cl&lt;sub&gt;e&lt;/sub&gt;</td>
</tr>
<tr>
<td>8-19</td>
<td></td>
<td>10YR 3/2</td>
<td>95</td>
<td>10YR 4/4</td>
<td>5</td>
<td>C</td>
<td>M</td>
<td></td>
<td></td>
<td>Sandy Cl&lt;sub&gt;e&lt;/sub&gt;</td>
</tr>
</tbody>
</table>

1Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  
2Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Hist (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- 1 cm Muck (F9) (LRR F, G, H)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

Indicators of problematic hydric soils:

- 1 cm Muck (A9) (LRR I, J)
- 1 cm Muck (A9) (LRR G)
- High Plains Depressions (F16)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Other (Explain in Remarks)

Restrictive Layer (if present):  

<table>
<thead>
<tr>
<th>Type</th>
<th>Depth (inches)</th>
<th>Hydric Soil Present?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)  
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drit Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

Secondary Indicators (minimum of two required)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

Field Observations:

- Surface Water Present? Yes | No | Depth (inches): 0
- Water Table Present? Yes | No | Depth (inches): 10

Wetland Hydrology Present? Yes | No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine  City/County: Brighton/Adams  Sampling Date: 07/07/2017
Applicant/Owner: Aggregate Industries  State: CO  Sampling Point: TM-A19-UP0
Investigator(s): C. Ansari, J. Heule  Section, Township, Range: 1, T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor  Local relief (concave, convex, none): Concave  Slope (%): 0.5
Subregion (LRR): Western Great Plains (G)  Lat: 39.991525  Long: -104.843801  Datum: WGS 84
Soil Map Unit Name: Nunn clay loam, 1 to 3 percent slopes  NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes [X] No [ ] (If no, explain in Remarks.)

Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed?  Are "Normal Circumstances" present? Yes [X] No [ ]

Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic?  (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes [X] No [ ]  Is the Sampled Area within a Wetland? Yes [X] No [ ]

Hydric Soil Present? Yes [X] No [ ]

Wetland Hydrology Present? Yes [X] No [ ]

Remarks: A man-made rectangular depression with cement pipelines generating inflow with no clear discharge location.

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC–): 0 (A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>4.</td>
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<tr>
<td>5.</td>
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<tr>
<td>6.</td>
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<td></td>
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<tr>
<td>7.</td>
<td></td>
<td></td>
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<tr>
<td>8.</td>
<td></td>
<td></td>
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<tr>
<td>9.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30’)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Bare Ground in Herb Stratum</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation
2 - Dominance Test is >50%
3 - Prevalence Index is ≤3.0
4 - Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
5 - Problematic Hydrophytic Vegetation (Explain)

1Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes [X] No [ ]
### SOIL

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>10YR 4/3</td>
<td>100</td>
<td>Color (moist)</td>
<td>%</td>
</tr>
<tr>
<td>5-18</td>
<td>10YR 4/3</td>
<td>95</td>
<td>10YR 5/8</td>
<td>5</td>
</tr>
</tbody>
</table>

1. **Type:** C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.
2. **Location:** PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Histosol (A1)</td>
<td></td>
</tr>
<tr>
<td>Histic Epipedon (A2)</td>
<td></td>
</tr>
<tr>
<td>Black Histic (A3)</td>
<td></td>
</tr>
<tr>
<td>Hydrogen Sulfide (A4)</td>
<td></td>
</tr>
<tr>
<td>Stratified Layers (A5) (LRR F)</td>
<td></td>
</tr>
<tr>
<td>1 cm Muck (A9) (LRR F, G, H)</td>
<td></td>
</tr>
<tr>
<td>Depleted Below Dark Surface (A11)</td>
<td></td>
</tr>
<tr>
<td>Thick Dark Surface (A12)</td>
<td></td>
</tr>
<tr>
<td>Sandy Mucky Mineral (S1)</td>
<td></td>
</tr>
<tr>
<td>2.5 cm Mucky Peat or Peat (S2) (LRR G, H)</td>
<td></td>
</tr>
<tr>
<td>5 cm Mucky Peat or Peat (S3) (LRR F)</td>
<td></td>
</tr>
</tbody>
</table>

### Indicators for Problematic Hydric Soils:

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

### Restrictive Layer (if present):

<table>
<thead>
<tr>
<th>Type:</th>
<th>Depth (inches):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Hydric Soil Present?  Yes  X  No

### HYDROLOGY

#### Wetland Hydrology Indicators:

**Primary Indicators** (minimum of one required; check all that apply)

- Surface Water (A1)  Salt Crust (B11)
- High Water Table (A2)  Aquatic Invertebrates (B13)
- Saturation (A3)  Hydrogen Sulfide Odor (C1)
- Water Marks (B1)  Dry-Season Water Table (C2)
- Sediment Deposits (B2)  Oxidized Rhizospheres on Living Roots (C3)  (where not tilled)
- Drift Deposits (B3)  Presence of Reduced Iron (C4)
- Algal Mat or Crust (B4)  Thin Muck Surface (C7)
- Iron Deposits (B5)  Other (Explain in Remarks)
- Inundation Visible on Aerial Imagery (B7)  Water-Stained Leaves (B9)
- Water-Stained Leaves (B9)  Water-Stained Leaves (B9)

**Secondary Indicators** (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3)  (where tilled)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

<table>
<thead>
<tr>
<th>Surface Water Present?</th>
<th>Yes  X  No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depth (inches):</td>
<td></td>
</tr>
<tr>
<td>Water Table Present?</td>
<td>Yes  X  No</td>
</tr>
<tr>
<td>Depth (inches):</td>
<td></td>
</tr>
<tr>
<td>Saturation Present?</td>
<td>Yes  X  No</td>
</tr>
<tr>
<td>(includes capillary fringe)</td>
<td></td>
</tr>
</tbody>
</table>

Wetland Hydrology Present?  Yes  X  No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

Project/Site: Tucson South Mine  
Applicant/Owner: Aggregate Industries

City/County: Brighton/Adams  
Investigator(s): C. Ansari, J. Heule

State: CO  
Landform (hillslope, terrace, etc.): Valley floor

Sampling Date: 07/07/2017  
Local relief (concave, convex, none): Concave

Applicant/Owner: Aggregate Industries  
Section, Township, Range: 1, T01S, R67W

State: CO  
Landform (hillslope, terrace, etc.): Valley floor

Investigator(s): C. Ansari, J. Heule  
Section, Township, Range: 1, T01S, R67W

Soil Map Unit Name: Nunn clay loam, 1 to 3 percent slopes  
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No ☐ (If no, explain in Remarks.)

Are Vegetation, Soil, or Hydrology significantly disturbed? Yes ☑ No ☐

Are Vegetation, Soil, or Hydrology naturally problematic? Yes ☑ No ☐ (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☑ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☑ No ☐</td>
</tr>
</tbody>
</table>

Is the Sampled Area within a Wetland? Yes ☑ No ☐

Remarks: This is a man-made feature with no outflow.

**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Typha latifolia</td>
<td>90 Y OBL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum 10

**Dominance Test worksheet:**

Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-): 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

**Prevalence Index worksheet:**

<table>
<thead>
<tr>
<th>Total % Cover of:</th>
<th>Multiply by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OBL species</td>
<td>x 1 =</td>
</tr>
<tr>
<td>FACW species</td>
<td>x 2 =</td>
</tr>
<tr>
<td>FAC species</td>
<td>x 3 =</td>
</tr>
<tr>
<td>FACU species</td>
<td>x 4 =</td>
</tr>
<tr>
<td>UPL species</td>
<td>x 5 =</td>
</tr>
</tbody>
</table>

Column Totals: (A) (B)

Prevalence Index = B/A =

**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation
2 - Dominance Test is >50%
3 - Prevalence Index is ≤3.0¹
4 - Morphological Adaptaions (Provide supporting data in Remarks or on a separate sheet)
5 - Problematic Hydrophytic Vegetation (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Hydrophytic Vegetation Present?** Yes ☑ No ☐
### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Color (moist)</th>
<th>%</th>
<th>Redox Features</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-19</td>
<td>10YR 3/2</td>
<td>100</td>
<td></td>
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<td></td>
<td></td>
<td>Sandy Lo.</td>
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</tr>
</tbody>
</table>

1 Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  
2 Location: PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:
(Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)  
- Histic Epipedon (A2)  
- Black Histic (A3)  
- Hydrogen Sulfide (A4)  
- Stratified Layers (A5) (LRR F)  
- 1 cm Muck (A9) (LRR F, G, H)  
- Depleted Below Dark Surface (A11)  
- Thick Dark Surface (A12)  
- Sandy Mucky Mineral (S1)  
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)  
- 5 cm Mucky Peat or Peat (S3) (LRR F)  
- 1 cm Muck (A9) (LRR I, J)  
- Coast Prairie Redox (A16) (LRR F, G, H)  
- Dark Surface (S7) (LRR G)  
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)  
- Reduced Vertic (F18)  
- Red Parent Material (TF2)  
- Very Shallow Dark Surface (TF12)  
- Other (Explain in Remarks)  

### Restrictive Layer (if present):

Type:  
Depth (inches):  
Hydric Soil Present? Yes _ No X

Remarks:

### HYDROLOGY

#### Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)  
- High Water Table (A2)  
- Saturation (A3)  
- Water Marks (B1)  
- Sediment Deposits (B2)  
- Drift Deposits (B3)  
- Algal Mat or Crust (B4)  
- Iron Deposits (B5)  
- Inundation Visible on Aerial Imagery (B7)  
- Water-Stained Leaves (B9)  
- Salt Crust (B11)  
- Aquatic Invertebrates (B13)  
- Dry-Season Water Table (C2)  
- Oxidized Rhizospheres on Living Roots (C3) (where not tilled)  
- Presence of Reduced Iron (C4)  
- Thin Muck Surface (C7)  
- Other (Explain in Remarks)

Secondary Indicators (minimum of two required)

- Surface Soil Cracks (B6)  
- Sparingly Vegetated Concave Surface (B8)  
- Drainage Patterns (B10)  
- Oxidized Rhizospheres on Living Roots (C3) (where tilled)  
- Grayish Burrows (C8)  
- Saturation Visible on Aerial Imagery (C9)  
- Geomorphic Position (D2)  
- FAC-Neutral Test (D5)  
- Frost-Heave Hummocks (D7) (LRR F)

Field Observations:

- Surface Water Present? Yes _ No X  
- Water Table Present? Yes X _ No Depth (inches): 16  
- Saturation Present? Yes X _ No Depth (inches): 9 (includes capillary fringe)

Wetland Hydrology Present? Yes X _ No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Applicant/Owner: Aggregate Industries
State: CO
Sampling Date: 07/07/2017
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: T01S, R67W
Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): Concave
Slope (%): 1
Subregion (LRR): Western Great Plains (G)
Lat: 39.991525
Long: -104.843801
Datum: WGS 84
Soil Map Unit Name: Nunn clay loam, 1 to 3 percent slopes
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No ________ (If no, explain in Remarks.)
Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are “Normal Circumstances” present? Yes X No ________
Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes X No</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes _______ No X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remarks:</td>
<td>Plot paired with Wetland A19-01</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC-):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>0 (A)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Number of Dominant Species Across All Strata:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>2 (B)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Percent of Dominant Species That Are OBL, FACW, or FAC:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Convolvulus arvensis</td>
<td>30 Y</td>
<td>UPL</td>
<td></td>
<td>0 x 1 =</td>
</tr>
<tr>
<td>2. Bromus tectorum</td>
<td>15 N</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Bassia scoparia</td>
<td>5 N</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Heterotheca villosa</td>
<td>20 Y</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Cirsium arvense</td>
<td>5 N</td>
<td>FACU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Leymus cinereum</td>
<td>10 N</td>
<td>UPL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
<th>Total Cover:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
<td>85</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum: 15

Remarks:

Hydrophytic Vegetation Indicators:
1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
5. Problematic Hydrophytic Vegetation (Explain)

Hydrophytic Vegetation Present? Yes X No ________
Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>10YR 4/3</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sandy Lo</td>
<td></td>
</tr>
<tr>
<td>5-18</td>
<td>10YR 4/3</td>
<td>95</td>
<td>10YR 5/8</td>
<td>5</td>
<td>C</td>
<td>M</td>
<td>Sandy Lo</td>
<td></td>
</tr>
</tbody>
</table>

Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.  

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High PlainsDepressions (F16)
- High Plains Depressions (F16)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Indicators for Problematic Hydric Soils**:
- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16)
- (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

3Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

- Type: Large Cobble
- Depth (inches): 10

**Hydric Soil Present?**  Yes   No  X

**Remarks:**

**HYDROLOGY**

**Wetland Hydrology Indicators:**

**Primary Indicators** (minimum of one required; check all that apply)
- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- (where not tilted)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

**Secondary Indicators** (minimum of two required)
- Surface Soil Cracks (B6)
- Sparingly Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

- Surface Water Present? Yes   No  X  Depth (inches): 
- Water Table Present? Yes   No  X  Depth (inches): 
- Saturation Present? Yes   No  X  Depth (inches):
  (includes capillary fringe)

**Wetland Hydrology Present?**  Yes   No  X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

**Remarks:**
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/Adams
Applicant/Owner: Aggregate Industries
State: CO
Sampling Date: 07/07/2017

Investigator(s): C. Ansari, J. Heule
Segment, Township, Range: 1, T01S, R67W

Landform (hillslope, terrace, etc.): Valley floor
Local relief (concave, convex, none): Concave
Slope (%): 1

Subregion (LRR): Western Great Plains (G)
Lat: 39.99156
Long: -104.843758
Datum: WGS 84

Soil Map Unit Name: Nunn clay loam, 1 to 3 percent slopes
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☑ No (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are “Normal Circumstances” present? Yes ☑ No

Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☑ No
Hydric Soil Present? Yes ☑ No
Wetland Hydrology Present? Yes ☑ No

Remarks: This is a man-made rectangular shaped pond with a fringe wetland.

VEGETATION – Use scientific names of plants.

**Tree Stratum** (Plot size: 30’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
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<td>3.</td>
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<tr>
<td>4.</td>
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</tr>
</tbody>
</table>

Total Cover: 0

**Sapling/Shrub Stratum** (Plot size: 15’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Salix amygdaloides</td>
<td>5</td>
<td>Y</td>
<td>FACW</td>
</tr>
<tr>
<td>2. Populus deltoides</td>
<td>10</td>
<td>Y</td>
<td>FAC</td>
</tr>
<tr>
<td>3. Elaeagnus angustifolia</td>
<td>5</td>
<td>Y</td>
<td>FACU</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Cover: 20

**Herb Stratum** (Plot size: 5’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Schoenoplectus acutus</td>
<td>40</td>
<td>Y</td>
<td>OBL</td>
</tr>
<tr>
<td>2. Schoenoplectus pungens</td>
<td>10</td>
<td>N</td>
<td>OBL</td>
</tr>
<tr>
<td>3. Typha latifolia</td>
<td>30</td>
<td>Y</td>
<td>OBL</td>
</tr>
<tr>
<td>4. Phalaris arundinacea</td>
<td>10</td>
<td>N</td>
<td>FACW</td>
</tr>
<tr>
<td>5. Cirsium arvense</td>
<td>15</td>
<td>N</td>
<td>FACU</td>
</tr>
<tr>
<td>6. Juncus balticus</td>
<td>10</td>
<td>N</td>
<td>FACW</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
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<td>9.</td>
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<tr>
<td>10.</td>
<td></td>
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</tr>
</tbody>
</table>

Total Cover: 115

**Woody Vine Stratum** (Plot size: 30’)

<table>
<thead>
<tr>
<th>Species</th>
<th>% Cover</th>
<th>Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Cover: 0

% Bare Ground in Herb Stratum ________

Remarks:

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)

Problems: Problematic Hydrophytic Vegetation

**Hydrophytic Vegetation Present?** Yes ☑ No
# SOIL

**Sampling Point:** TM-A19-W

### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Color (moist)</th>
<th>%</th>
<th>Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-18</td>
<td>10YR 6/1</td>
<td>85</td>
<td>10YR 5/8</td>
<td>15</td>
<td>C</td>
<td>M</td>
<td>Clay</td>
<td></td>
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</tr>
</tbody>
</table>

1\(^{Type}\): C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

### Hydric Soil Indicators:
(Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2)
- 5 cm Mucky Peat or Peat (S3)

### Indicators for Problematic Hydric Soils:

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7)
- High Plains Depressions (F16)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

2\(^{Location}\): PL=Pore Lining, M=Matrix.

### Restrictive Layer (if present):

- Type: __________________________
- Depth (inches): __________________________

### Hydric Soil Present?
Yes X No __

### HYDROLOGY

**Wetland Hydrology Indicators:**

**Primary Indicators (minimum of one required; check all that apply)**

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

**Secondary Indicators (minimum of two required)**

- Surface Soil Cracks (B6)
- Sparserly Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3) \(\text{where not tilled}\)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)
- Frost-Heave Hummocks (D7) (LRR F)

**Field Observations:**

- Surface Water Present? Yes X No __ Depth (inches): __________
- Water Table Present? Yes X No __ Depth (inches): __________
- Saturation Present? Yes X No __ Depth (inches): __________
  (includes capillary fringe)

**Wetland Hydrology Present?** Yes X No __

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

**Remarks:**
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

**Project/Site:** Tucson South Mine  
**City/County:** Brighton/Adams  
**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Sampling Date:** 07/07/2017  
**Investigator(s):** C. Ansari, J. Heule  
**Landform (hillslope, terrace, etc.):** hillslope  
**Local relief (concave, convex, none):** slope  
**Subregion (LRR):** Western Great Plains (G)  
**Soil Map Unit Name:** Ulm loam, 5 to 9 percent slopes  
**State:** CO  
**Sampling Point:** TM-A20-UP0  
**Section, Township, Range:** 1, T01S, R67W  
**Datum:** WGS 84  
**NWI classification:** N/A

---

**Are climatic / hydrologic conditions on the site typical for this time of year?**  
Yes [X] No [ ]  
(If no, explain in Remarks.)

**Are Vegetation, Soil, or Hydrology significantly disturbed?**  
Yes [X] No [ ]  
(If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Is the Sampled Area</th>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [X] No</th>
<th>within a Wetland?</th>
<th>Yes [X] No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remarks:</td>
<td>Upland plot paired with TM-A20-WT</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<td>3.</td>
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<td>4.</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>% Cover</th>
<th>Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
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<td>4.</td>
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<tr>
<td>5.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>% Cover</th>
<th>Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bromus inermus</td>
<td>70</td>
<td>Y</td>
<td>UPL</td>
</tr>
<tr>
<td>2. Leymus cinereus</td>
<td>20</td>
<td>Y</td>
<td>UPL</td>
</tr>
<tr>
<td>3.</td>
<td></td>
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<td>4.</td>
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<td>9.</td>
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<tr>
<td>10.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 = Total Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>% Cover</th>
<th>Species?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% Bare Ground in Herb Stratum</td>
<td>10</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
5. Problematic Hydrophytic Vegetation (Explain)

**Hydrophytic Vegetation Present?**  
Yes [X] No [ ]

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**Remarks:**

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US Army Corps of Engineers  
Great Plains – Version 2.0
### SOIL

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix Color (moist)</th>
<th>%</th>
<th>Redox Features Color (moist)</th>
<th>%</th>
<th>Type</th>
<th>Loc</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-7</td>
<td>10YR 4/3</td>
<td>100</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sandy Lo.</td>
<td></td>
</tr>
</tbody>
</table>

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)

**Indicators for Problematic Hydric Soils:**

- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High Plains Depressions (F16)
- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Restrictive Layer (if present):**

- Type: Hard Pan
- Depth (inches): 7

**Hydric Soil Indicators?**

- Yes ☑
- No ☒

**Hydrology**

**Wetland Hydrology Indicators:**

**Primary Indicators:** (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

**Secondary Indicators:** (minimum of two required)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where not tiled)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

**Field Observations:**

- Surface Water Present? Yes ☑
- Water Table Present? Yes ☑
- Saturation Present? Yes ☑
- Wetland Hydrology Present? Yes ☑

**Remarks:**

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available.
**WETLAND DETERMINATION DATA FORM – Great Plains Region**

**Project/Site:** Tucson South Mine  
**City/County:** Brighton/Adams  
**Sampling Date:** 07/07/2017  
**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Sampling Point:** TM-A20-WTC  
**Investigator(s):** C. Ansari, J. Heule  
**Section, Township, Range:** 1, T01S, R67W  
**Landform (hillslope, terrace, etc.):** hillslope  
**Local relief (concave, convex, none):** slope  
**Slope (%):** 5  
**Subregion (LRR):** Western Great Plains (G)  
**Lat:** 39.991696  
**Long:** -104.844893  
**Datum:** WGS 84  
**Soil Map Unit Name:** Ulm loam, 5 to 9 percent slopes  
**NWI classification:** N/A  

**Are climatic / hydrologic conditions on the site typical for this time of year?** Yes [ ] No [X]  
(If no, explain in Remarks.)

**Are Vegetation [ ], Soil [ ], or Hydrology [ ] significantly disturbed?** Are “Normal Circumstances” present? Yes [X] No [ ]

**Are Vegetation [ ], Soil [ ], or Hydrology [ ] naturally problematic?**  
(If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes [X] No [ ]</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes [X] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes [X] No [ ]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes [X] No [ ]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Remarks:** The wetland is along the slope below the Brantner Ditch.

**VEGETATION – Use scientific names of plants.**

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30’)</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
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<td>4.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15’)</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
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<tr>
<td>2.</td>
<td></td>
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<tr>
<td>3.</td>
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<tr>
<td>4.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5’)</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Typha angustifolia</td>
<td>80 Y OBL</td>
</tr>
<tr>
<td>2. Phalaris arundinacea</td>
<td>10 N FACW</td>
</tr>
<tr>
<td>3. Cirsium arvense</td>
<td>5 N FACU</td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30’)</th>
<th>95 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

| % Bare Ground in Herb Stratum       | 5                |

**Hydrophytic Vegetation Indicators:**

1. Rapid Test for Hydrophytic Vegetation
2. Dominance Test is >50%
3. Prevalence Index is ≤3.0
4. Morphological Adaptations

**Problematic Hydrophytic Vegetation:**

1. Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

**Prevalence Index**

<table>
<thead>
<tr>
<th>$rac{A}{B}$</th>
<th>Column Totals:</th>
</tr>
</thead>
<tbody>
<tr>
<td>= $B/A$</td>
<td></td>
</tr>
</tbody>
</table>

**Hydrophytic Vegetation Present?** Yes [X] No [ ]
## SOIL

### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
<th>Texture</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>10YR 3/1</td>
<td>97 10YR 3/6</td>
<td>3 C M</td>
<td>Silty Clay</td>
</tr>
<tr>
<td>2-18</td>
<td>10YR 4/1</td>
<td>90 10YR 3/6</td>
<td>10 C M</td>
<td>Silty Clay</td>
</tr>
</tbody>
</table>

1. **Type:** C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. 
2. **Location:** PL=Pore Lining, M=Matrix.

### Hydric Soil Indicators:
(Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H) (LRR H outside of MLRA 72 & 73)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- December Mucky Peat or Peat (S4)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High Plains Depressions (F16)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

### Restrictive Layer (if present):

- Type: 
- Depth (inches): 
- Hydric Soil Present? Yes X No 

### HYDROLOGY

### Wetland Hydrology Indicators:

**Primary Indicators** (minimum of one required; check all that apply):

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

**Secondary Indicators** (minimum of two required)

- Surface Soil Cracks (B6)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Oxidized Rhizospheres on Living Roots (C3)
- Crayfish Burrows (C8)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- FAC-Neutral Test (D5)

### Field Observations:

- Surface Water Present? Yes X No Depth (inches): 10
- Water Table Present? Yes X No Depth (inches): 2
- Saturation Present? Yes X No Depth (inches): (includes capillary fringe)

- Wetland Hydrology Present? Yes X No

### Remarks:
WETLAND DETERMINATION DATA FORM – Great Plains Region

Project/Site: Tucson South Mine
City/County: Brighton/ Adams
Sampling Date: 07/07/2017
Applicant/Owner: Aggregate Industries
State: CO
Sampling Point: TM-A22-UP0
Investigator(s): C. Ansari, J. Heule
Section, Township, Range: 1, T01S, R67W
Landform (hillslope, terrace, etc.): hillslope
Local relief (concave, convex, none): Slope
Slope (%): 5
Subregion (LRR): Western Great Plains (G)
Lat: 39.990252
Long: -104.845608
Datum: WGS 84
Soil Map Unit Name: Ulm loam, 5 to 9 percent slopes
NWI classification: N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)
Are Vegetation, Soil, or Hydrology significantly disturbed? ☐
Are Vegetation, Soil, or Hydrology naturally problematic? ☐ (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☒ No ☒</td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☒ No ☒</td>
</tr>
<tr>
<td>Is the Sampled Area within a Wetland?</td>
<td>Yes ☒ No ☒</td>
</tr>
</tbody>
</table>

Remarks: Upland plot paired with TM-A22-WT

VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Tree Stratum (Plot size: 30')</th>
<th>Absolute % Cover</th>
<th>Dominant Species?</th>
<th>Indicator Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sapling/Shrub Stratum (Plot size: 15')</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Herb Stratum (Plot size: 5')</th>
<th>0 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bromus inermus 40 Y UPL</td>
<td></td>
</tr>
<tr>
<td>2. Convolvulus arvensis 20 Y UPL</td>
<td></td>
</tr>
<tr>
<td>3. Onopordum acanthium 15 N UPL</td>
<td></td>
</tr>
<tr>
<td>4. Rumex crispus 10 N FAC</td>
<td></td>
</tr>
<tr>
<td>5. Leymus cinereus 5 N UPL</td>
<td></td>
</tr>
<tr>
<td>6. Erempyrum triticeum 10 N NL</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Woody Vine Stratum (Plot size: 30')</th>
<th>100 = Total Cover</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. None</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum 0

Remarks:

Hydrophytic Vegetation Present? Yes ☒ No ☒
### Profile Description:
(Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Color (moist) %</td>
<td>Color (moist) %</td>
</tr>
<tr>
<td>0-18</td>
<td>10YR 3/3 95</td>
<td>10YR 7/6 5</td>
</tr>
</tbody>
</table>

1. Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

### Hydric Soil Indicators:
(Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5) (LRR F)
- 1 cm Muck (A9) (LRR F, G, H)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)
- 5 cm Mucky Peat or Peat (S3) (LRR F)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)
- High Plains Depressions (F16)
- Other (Explain in Remarks)

### Hydric Soil Present? Yes [X] No

### Restrictive Layer (if present):
Type: Hard Pan

### HYDROLOGY

### Wetland Hydrology Indicators:

#### Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

#### Secondary Indicators (minimum of two required)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where not tilted)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Other (Explain in Remarks)

#### Field Observations:

- Surface Water Present? Yes [X] No
- Water Table Present? Yes [X] No
- Saturation Present? Yes [X] No

#### Wetland Hydrology Present? Yes [X] No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available.
## WETLAND DETERMINATION DATA FORM – Great Plains Region

**Project/Site:** Tucson South Mine  
**City/County:** Bright/ Adams  
**Sampling Date:** 07/07/2017

**Applicant/Owner:** Aggregate Industries  
**State:** CO  
**Sampling Point:** TM-A22-WTC

**Investigator(s):** C. Ansari, J. Heule  
**Section, Township, Range:** 1, T01S, R67W

**Landform (hillslope, terrace, etc.):** hillslope  
**Local relief (concave, convex, none):** slope  
**Slope (%):** 5

**Subregion (LRR):** Western Great Plains (G)  
**Lat:** 39.990265  
**Long:** -104.845675  
**Datum:** WGS 84

**Soil Map Unit Name:** Ulm loam, 5 to 9 percent slopes  
**NWI classification:** N/A

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation, Soil, or Hydrology significantly disturbed? Are “Normal Circumstances” present? Yes ☒ No ☐ (If needed, explain any answers in Remarks.)

Are Vegetation, Soil, or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

### SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

<table>
<thead>
<tr>
<th>Hydrophytic Vegetation Present?</th>
<th>Yes ☒ No ☐</th>
<th>Is the Sampled Area within a Wetland?</th>
<th>Yes ☒ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hydric Soil Present?</td>
<td>Yes ☒ No ☐</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Hydrology Present?</td>
<td>Yes ☒ No ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Remarks: Slope wetland down-gradient from the Brantner Ditch.

### VEGETATION – Use scientific names of plants.

<table>
<thead>
<tr>
<th>Stratum</th>
<th>Species</th>
<th>% Cover</th>
<th>Dominant Indicator</th>
<th>Absolute % of Dominant Indicator</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree Stratum (Plot size: 30')</td>
<td>Elaeagnus angustafolia</td>
<td>5</td>
<td>Y</td>
<td>FACU</td>
<td></td>
</tr>
<tr>
<td>Sapling/Shrub Stratum (Plot size: 15')</td>
<td>None</td>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herb Stratum (Plot size: 5')</td>
<td>Phalaris arundinaceae</td>
<td>70</td>
<td>Y</td>
<td>FACW</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rumex crispus</td>
<td>20</td>
<td>Y</td>
<td>FAC</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schoenoplectus acutus</td>
<td>10</td>
<td>N</td>
<td>OBL</td>
<td></td>
</tr>
<tr>
<td>Woody Vine Stratum (Plot size: 30')</td>
<td>None</td>
<td>0</td>
<td>Total Cover</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

% Bare Ground in Herb Stratum 0 = Total Cover

### Dominance Test worksheet:

- Number of Dominant Species That Are OBL, FACW, or FAC (excluding FAC–): 2 (A)
- Total Number of Dominant Species Across All Strata: 3 (B)
- Percent of Dominant Species That Are OBL, FACW, or FAC: 66 (A/B)

### Prevalence Index worksheet:

- Total % Cover of: Multiply by:
  - OBL species x 1 = 1
  - FACW species x 2 = 2
  - FAC species x 3 = 3
  - FACU species x 4 = 4
  - UPL species x 5 = 5
- Column Totals: (A) (B)
  - Prevalence Index = B/A =

### Hydrophytic Vegetation Indicators:

- 1 - Rapid Test for Hydrophytic Vegetation ☒
- 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0'
- 4 - Morphological Adaptations (Provide supporting data in Remarks or on a separate sheet)
- Problematic Hydrophytic Vegetation (Explain)

1Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

### Remarks:

- Hydrophytic Vegetation Present? Yes ☒ No ☐
**SOIL**

**Profile Description:** (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

<table>
<thead>
<tr>
<th>Depth (inches)</th>
<th>Matrix</th>
<th>Redox Features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Color (moist)</td>
<td>%</td>
</tr>
<tr>
<td>0-4</td>
<td>10YR 2/2</td>
<td></td>
</tr>
<tr>
<td>4-18</td>
<td>10YR 2/2</td>
<td>80</td>
</tr>
</tbody>
</table>

1Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. 2Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators:** (Applicable to all LRRs, unless otherwise noted.)

- Histosol (A1)  
- Black Histic (A3)  
- Hydrogen Sulfide (A4)  
- Stratified Layers (A5) (LRR F)  
- 1 cm Muck (A9) (LRR F, G, H)  
- Depleted Below Dark Surface (A11)  
- Thick Dark Surface (A12)  
- Sandy Mucky Mineral (S1)  
- 2.5 cm Mucky Peat or Peat (S2) (LRR G, H)  
- 5 cm Mucky Peat or Peat (S3) (LRR F)

- Sandy Gleyed Matrix (S4)  
- Sandy Redox (S5)  
- Stripped Matrix (S6)  
- Loamy Gleyed Matrix (F2)  
- Depleted Matrix (F3)  
- Redox Dark Surface (F6)  
- Depleted Dark Surface (F7)  
- Redox Depressions (F8)  
- High Plains Depressions (F16)

**Indicators for Problematic Hydric Soils:**

- 1 cm Muck (A9) (LRR I, J)
- Coast Prairie Redox (A16) (LRR F, G, H)
- Dark Surface (S7) (LRR G)
- High Plains Depressions (F16) (LRR H outside of MLRA 72 & 73)
- Reduced Vertic (F18)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

**Restrictive Layer (if present):**

- Type: ____________________________
- Depth (inches): __________________

**Hydric Soil Present?** Yes X No

**Remarks:**

**HYDROLOGY**

**Wetland Hydrology Indicators:**

**Primary Indicators** (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Water Stained Leaves (B3)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Inundation Visible on Aerial Imagery (B7)
- Water-Stained Leaves (B9)

**Secondary Indicators** (minimum of two required)

- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Dry-Season Water Table (C2)
- Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
- Presence of Reduced Iron (C4)
- Thin Muck Surface (C7)
- Thin Muck Surface (C7) (where not tilled)
- Other (Explain in Remarks)
- Other (Explain in Remarks)
- Ceramic Hummocks (D7) (LRR F)
- FAC-Neutral Test (D5)
- Oxidized Rhizospheres on Living Roots (C3) (where not tilled)
- Grayish Hummocks (D8)
- Grayish Hummocks (D8)
- Geomorphic Position (D2)
- Sparsely Vegetated Concave Surface (B8)
- Drainage Patterns (B10)
- Other (Explain in Remarks)

**Field Observations:**

- Surface Water Present? Yes X No Depth (inches): ___________
- Water Table Present? Yes X No Depth (inches): ___________
- Saturation Present? Yes X No Depth (inches): ___________
- (includes capillary fringe)

**Wetland Hydrology Present?** Yes X No

**Remarks:** Drainage Patterns are also present (B10).
**GENERAL ID**

Stream ID: TM-A1-STR-01  
Stream Name: South Platte River

Lat: 39.99196  
Long: -104.82893  
Date: 7/6/2017

Project Name: Tucson South Mine  
Client: Aggregate Industries

Investigators: J. Heule, C. Ansari

Flow Regime: Perennial  
Water Type: RPW  
Photo ID:

**CHANNEL FEATURES**

<table>
<thead>
<tr>
<th>Estimate Measurements</th>
<th>Stream Erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bank Width (feet): 250</td>
<td>Moderate</td>
</tr>
<tr>
<td>Top of Bank Height (feet): 4ft</td>
<td>Artificial, Modified, or Channelized: Yes</td>
</tr>
<tr>
<td>LB (feet): 4</td>
<td>Dam Present: No</td>
</tr>
<tr>
<td>RB (feet): 4</td>
<td>Sinuosity: Medium</td>
</tr>
<tr>
<td>Water Depth (in.): 3 ft.</td>
<td>Gradient: Flat (0.5-100ft)</td>
</tr>
<tr>
<td>Water Width (feet): 40</td>
<td></td>
</tr>
<tr>
<td>High Water Mark (inches): 220</td>
<td></td>
</tr>
</tbody>
</table>

**FLOW CHARACTERISTICS**

Water Present: Yes  
Flowing Water  
Proportion of Reach Represented by Stream Morphology Types:

<table>
<thead>
<tr>
<th>Velocity: Moderate</th>
<th>Moderate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rifflle (%): 5</td>
<td>Pool (%): 10</td>
</tr>
<tr>
<td>Run (%): 85</td>
<td></td>
</tr>
<tr>
<td>Turbidity: Slightly turbid</td>
<td>Other:</td>
</tr>
</tbody>
</table>

**SUBSTRATE COMPONENTS**

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Diameter</th>
<th>% Composition in Sampling Reach</th>
<th>Substrate Type</th>
<th>Characteristic</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrock</td>
<td>0</td>
<td>Detritus</td>
<td>Sticks, wood, coarse plant materials (CPOM)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
<td>5</td>
<td>Muck–Mud</td>
<td>Black, very fine grain organic</td>
<td></td>
</tr>
<tr>
<td>Cobble</td>
<td>64–256mm (2.5”–10&quot;)</td>
<td>5</td>
<td>Marl</td>
<td>Grey, shell fragments</td>
<td></td>
</tr>
<tr>
<td>Gravel</td>
<td>2–64mm (0.1”–2.5&quot;)</td>
<td>60</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td>0.06–2mm (gritty)</td>
<td>20</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Silt</td>
<td>0.004–0.06mm</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**WATERSHED FEATURES**

<table>
<thead>
<tr>
<th>Predominant Surrounding Land Use:</th>
<th>Forest</th>
<th>☑ Field/Pasture</th>
<th>☐ Agricultural</th>
<th>☑ Commercial</th>
<th>☐ Industrial (gravel quarry)</th>
<th>☐ Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicate the dominant type:</td>
<td>☐ Trees</td>
<td>☑ Shrubs</td>
<td>☐ Grasses</td>
<td>☐ Herbaceous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canopy Cover:</td>
<td>Partly shaded</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floodplain Width:</td>
<td>Wide (over 30 ft)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**AQUATIC VEGETATION**

Indicate the dominant type and record the dominant species present:

<table>
<thead>
<tr>
<th>Rooted emergent</th>
<th>Rooted submergent</th>
<th>Rooted floating</th>
<th>Free floating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floating algae</td>
<td>Attached algae</td>
<td>☐ None</td>
<td>Reed canary grass</td>
</tr>
</tbody>
</table>

**MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES**

Fish observed in stream; (1-2’ long). Canopy includes 10% cover of cottonwood and peach leaf willow.
GENERAL ID
Stream Name: Unnamed
Flow Regime: Perennial

STREAM ID: TM-A8-STR-01
Lat: 39.98763
Long: -104.84100
Date: 7/6/2017
Project Name: Tucson South Mine
Client: Aggregate Industries
Investigators: J. Heule, C. Ansari
Flow Regime: Perennial
Water Type: RPW
Photo ID:

CHANNEL FEATURES

<table>
<thead>
<tr>
<th>Estimate Measurements</th>
<th>Stream Erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bank Width (feet): 4</td>
<td>None</td>
</tr>
<tr>
<td>Top of Bank Height (feet): 2</td>
<td>Artificial, Modified, or Channelized: Yes</td>
</tr>
<tr>
<td>LB (feet): 2</td>
<td>Dam Present: No</td>
</tr>
<tr>
<td>RB (feet): 2</td>
<td>Sinuosity: Low</td>
</tr>
<tr>
<td>Water Depth (in.): 0</td>
<td>Gradient: Flat (0.5-100ft)</td>
</tr>
<tr>
<td>Water Width (feet): 0</td>
<td></td>
</tr>
<tr>
<td>High Water Mark (inches): 2</td>
<td></td>
</tr>
</tbody>
</table>

FLOW CHARACTERISTICS

<table>
<thead>
<tr>
<th>Proportion of Reach Represented by Stream Morphology Types:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Velocity: N/A</td>
</tr>
<tr>
<td>Turbidity: N/A</td>
</tr>
</tbody>
</table>

SUBSTRATE COMPONENTS

Inorganic Substrate Components—Should add to 100%

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Diameter</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
<td></td>
</tr>
<tr>
<td>Cobble</td>
<td>64-256mm (2.5&quot;-10&quot;)</td>
<td></td>
</tr>
<tr>
<td>Gravel</td>
<td>2-64mm (0.1&quot;-2.5&quot;)</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td>0.06-2mm (gritty)</td>
<td></td>
</tr>
<tr>
<td>Silt</td>
<td>0.004-0.06mm</td>
<td></td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
<td></td>
</tr>
</tbody>
</table>

Organic Substrate Components—Does not necessarily add to 100%

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detritus</td>
<td>Sticks, wood, coarse plant materials (CPOM) 60</td>
</tr>
<tr>
<td>Muck–Mud</td>
<td>Black, very fine grain organic</td>
</tr>
<tr>
<td>Marl</td>
<td>Grey, shell fragments</td>
</tr>
</tbody>
</table>

WATERSHED FEATURES

<table>
<thead>
<tr>
<th>Predominant Surrounding Land Use:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Forest</td>
</tr>
<tr>
<td>☒ Field/Pasture</td>
</tr>
<tr>
<td>☒ Agricultural</td>
</tr>
<tr>
<td>☒ Commercial</td>
</tr>
<tr>
<td>☐ Industrial (gravel quarry)</td>
</tr>
<tr>
<td>☐ Residential</td>
</tr>
<tr>
<td>☒ Other:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Indicate the dominant type:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Trees</td>
</tr>
<tr>
<td>☒ Grasses</td>
</tr>
<tr>
<td>☐ Shrubs</td>
</tr>
<tr>
<td>☐ Herbaceous</td>
</tr>
</tbody>
</table>

Canopy Cover: Open
Floodplain Width: Narrow (less than 16 ft)
Wetland Present: ☒ Yes ☐ No
Wetland ID: TOM-A7-UP-WT

AQUATIC VEGETATION

<table>
<thead>
<tr>
<th>Indicate the dominant type and record the dominant species present:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Rooted emergent</td>
</tr>
<tr>
<td>☐ Rooted submergent</td>
</tr>
<tr>
<td>☐ Rooted floating</td>
</tr>
<tr>
<td>☐ Free floating</td>
</tr>
<tr>
<td>☐ Floating algae</td>
</tr>
<tr>
<td>☒ Attached algae</td>
</tr>
<tr>
<td>☐ None</td>
</tr>
<tr>
<td>☐ Reed canary grass</td>
</tr>
</tbody>
</table>

MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES

This is a cement lined irrigation ditch. The ditch is culverted under Tucson Street.
GENERAL ID
Stream ID: TM-A17-STR-01  Stream Name: Unnamed
Lat: 39.98746  Long: -104.84319  Date: 7-6-2017
Project Name: Tucson South Mine  Client: Aggregate Industries
Investigators: J. Heule, C. Ansari
Flow Regime: Perennial  Water Type: NRPW  Photo ID:

CHANNEL FEATURES

<table>
<thead>
<tr>
<th>Estimate Measurements</th>
<th>Stream Erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bank Width (feet): 4</td>
<td>Stream Erosion: None</td>
</tr>
<tr>
<td>Top of Bank Height (feet): 2</td>
<td>Artificial, Modified, or Channelized: Yes</td>
</tr>
<tr>
<td>LB (feet): 2</td>
<td>Dam Present: No</td>
</tr>
<tr>
<td>RB (feet): 2</td>
<td>Sinuosity: Low</td>
</tr>
<tr>
<td>Water Depth (in.): 0</td>
<td>Gradient: Flat (0.5-100ft)</td>
</tr>
<tr>
<td>Water Width (feet): 0</td>
<td></td>
</tr>
<tr>
<td>High Water Mark (inches): 2</td>
<td></td>
</tr>
</tbody>
</table>

FLOW CHARACTERISTICS

| Water Present: No water present, stream bed dry | Proportion of Reach Represented by Stream Morphology Types: |
| Velocity: N/A | Rifle (%): |
| Turbidity: N/A | Pool (%): |
| Other: | Run (%): |

SUBSTRATE COMPONENTS

Inorganic Substrate Components—Should add to 100%

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Diameter</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
<td></td>
</tr>
<tr>
<td>Cobble</td>
<td>64–256mm (2.5&quot;–10&quot;)</td>
<td></td>
</tr>
<tr>
<td>Gravel</td>
<td>2–64mm (0.1&quot;–2.5&quot;)</td>
<td></td>
</tr>
<tr>
<td>Sand</td>
<td>0.06–2mm (gritty)</td>
<td></td>
</tr>
<tr>
<td>Silt</td>
<td>0.004–0.06mm</td>
<td></td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
<td></td>
</tr>
</tbody>
</table>

Organic Substrate Components—Does not necessarily add to 100%

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Characteristic</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>Muck–Mud Black, very fine grain organic</td>
<td></td>
</tr>
<tr>
<td>Cobble</td>
<td>Marl Grey, shell fragments</td>
<td></td>
</tr>
<tr>
<td>Gravel</td>
<td>Concrete lined stream bed.</td>
<td></td>
</tr>
</tbody>
</table>

WATERSHED FEATURES

<table>
<thead>
<tr>
<th>Predominant Surrounding Land Use:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Forest</td>
<td>☐ Industrial (gravel quarry)</td>
</tr>
<tr>
<td>☑ Field/Pasture</td>
<td>☑ Residential</td>
</tr>
<tr>
<td>☑ Agricultural</td>
<td>Other:</td>
</tr>
<tr>
<td>☑ Commercial</td>
<td></td>
</tr>
<tr>
<td>Indicate the dominant type:</td>
<td></td>
</tr>
<tr>
<td>☐ Trees</td>
<td>☒ Grasses</td>
</tr>
<tr>
<td>☐ Shrubs</td>
<td>☐ Herbaceous</td>
</tr>
</tbody>
</table>

Canopy Cover: Open
Floodplain Width: Narrow (less than 16 ft)
Wetland Present: ☐ Yes ☑ No
Wetland ID:

AQUATIC VEGETATION

Indicate the dominant type and record the dominant species present:

☐ Rooted emergent  ☐ Rooted submergent  ☐ Rooted floating  ☐ Free floating
☐ Floating algae  ☐ Attached algae  ☐ None  ☐ Reed canary grass

MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES

Stream is culverted under 160th Avenue.
## GENERAL ID
- **Stream ID**: TM-A18-STR-01
- **Stream Name**: Brighton Ditch
- **Lat**: 39.98955
- **Long**: -104.84431
- **Date**: 7-6-2017
- **Project Name**: Tucson South Mine
- **Client**: Aggregate Industries
- **Investigators**: J. Heule, C. Ansari

## Flow Regime: Intermittent
**Water Type**: RPW

## CHANNEL FEATURES
### Estimate Measurements
- **Top of Bank Width (feet)**: 20
- **Top of Bank Height (feet)**: 15
- **LB (feet)**: 12
- **RB (feet)**: 12
- **Water Depth (in.)**: 2
- **Water Width (feet)**: 8
- **High Water Mark (inches)**: 8
- **Stream Erosion**: None
- **Artificial, Modified, or Channelized**: Yes

### Flow Characteristics
- **Water Present**: Flowing Water
- **Velocity**: Moderate
- **Turbidity**: Turbid

### Substrate Components
<table>
<thead>
<tr>
<th>Inorganic Substrate Components—Should add to 100%</th>
<th>Organic Substrate Components—Does not necessarily add to 100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substrate Type</td>
<td>Diameter</td>
</tr>
<tr>
<td>----------------</td>
<td>----------</td>
</tr>
<tr>
<td>Bedrock</td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
</tr>
<tr>
<td>Cobble</td>
<td>64–256mm (2.5&quot;–10&quot;)</td>
</tr>
<tr>
<td>Gravel</td>
<td>2–64mm (0.1&quot;–2.5&quot;)</td>
</tr>
<tr>
<td>Sand</td>
<td>0.06–2mm (gritty)</td>
</tr>
<tr>
<td>Silt</td>
<td>0.004–0.06mm</td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
</tr>
</tbody>
</table>

## Watershed Features
- **Predominant Surrounding Land Use**: FIELD/PASTURE, AGRICULTURAL, COMMERCIAL
- **Canopy Cover**: Open
- **Floodplain Width**: Moderate (15-30 ft)
- **Wetland Present**: No

## Aquatic Vegetation
- **Indicate the dominant type**: TREES, SHRUBS, GRASSES, HERBACEOUS

## Macrobenthos or Other Wildlife Observed/Observations and Notes
GENERAL ID
Stream ID TM-A21-STR-01 Stream Name: Brantner Ditch
Lat: 39.99126 Long: -104.84352 Date: 7-7-2017
Project Name: Tucson South Mine Client: Aggregate Industries
Investigators: J. Heule, C. Ansari
Flow Regime: Intermittent Water Type: RPW Photo ID:

STREAM CHARACTERISTICS
Stream Erosion: None
Top of Bank Width (feet): 30
Top of Bank Height (feet): 15
Artificial, Modified, or Channelized: Yes
LB (feet): 15
RB (feet): 15
Water Depth (in.): 2
Dam Present: No
Sinuosity: Low
Gradient: Flat (0.5-100ft)
Water Width (feet): 10
High Water Mark (inches): 11

FLOW CHARACTERISTICS
Proportion of Reach Represented by Stream Morphology Types:
Velocity: Moderate
Riffle (%): Pool (%): Run (%): 100
Turbidity: Turbid
Other:

WATERSHED FEATURES
Predominant Surrounding Land Use: ☒ Field/Pasture ☐ Industrial (gravel quarry)
☐ Agricultural ☐ Residential Other:
☐ Commercial

Indicate the dominant type:
☐ Trees ☒ Grasses
☐ Shrubs ☒ Herbaceous

Canopy Cover: Open
Floodplain Width: Narrow (less than 16 ft)
Wetland Present: ☒ Yes ☐ No Wetland ID: TM-A20-WT

AQUATIC VEGETATION
Indicate the dominant type and record the dominant species present:
☐ Rooted emergent ☐ Rooted submergent ☐ Rooted floating ☐ Free floating
☐ Floating algae ☐ Attached algae ☐ None ☐ Reed canary grass

MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES
Man-made earthen canal.
## GENERAL ID
- **Stream ID**: TM-A23-STR-01
- **Stream Name**: Unnamed Canal
- **Lat**: 39.98525
- **Long**: -104.84062
- **Date**: 7-7-2017
- **Project Name**: Tucson South Mine
- **Client**: Aggregate Industries
- **Investigators**: J. Heule, C. Ansari
- **Flow Regime**: Intermittent
- **Water Type**: RPW
- **Photo ID**: 

## CHANNEL FEATURES

<table>
<thead>
<tr>
<th>Estimate Measurements</th>
<th>Stream Erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bank Width (feet): 20</td>
<td>Stream Erosion: Moderate</td>
</tr>
<tr>
<td>Top of Bank Height (feet): 15</td>
<td>Artificial, Modified, or Channelized: Yes</td>
</tr>
<tr>
<td>LB (feet): 18</td>
<td>Dam Present: No</td>
</tr>
<tr>
<td>RB (feet): 15</td>
<td>Sinuosity: Low</td>
</tr>
<tr>
<td>Water Depth (in.): 2ft.</td>
<td>Gradient: Flat (0.5-100ft)</td>
</tr>
<tr>
<td>Water Width (feet): 5ft</td>
<td></td>
</tr>
<tr>
<td>High Water Mark (inches): 3ft.</td>
<td></td>
</tr>
</tbody>
</table>

## FLOW CHARACTERISTICS
- **Water Present**: Flowing Water
- **Proportion of Reach Represented by Stream Morphology Types**:
  - **Velocity**: Moderate
  - **Riffle (%): 10**
  - **Pool (%):**
  - **Run (%): 90**
- **Turbidity**: Turbid

## SUBSTRATE COMPONENTS

### Inorganic Substrate Components—Should add to 100%)

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Diameter</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedrock</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
<td></td>
</tr>
<tr>
<td>Cobble</td>
<td>64–256mm (2.5&quot;–10&quot;)</td>
<td>50</td>
</tr>
<tr>
<td>Gravel</td>
<td>2–64mm (0.1&quot;–2.5&quot;)</td>
<td>50</td>
</tr>
<tr>
<td>Sand</td>
<td>0.06–2mm (gritty)</td>
<td>30</td>
</tr>
<tr>
<td>Silt</td>
<td>0.004–0.06mm</td>
<td>20</td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
<td></td>
</tr>
</tbody>
</table>

### Organic Substrate Components—Does not necessarily add to 100%)

<table>
<thead>
<tr>
<th>Substrate Type</th>
<th>Characteristic</th>
<th>% Composition in Sampling Reach</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detritus</td>
<td>Sticks, wood, coarse plant materials (CPOM)</td>
<td></td>
</tr>
<tr>
<td>Muck–Mud</td>
<td>Black, very fine grain organic</td>
<td></td>
</tr>
<tr>
<td>Marl</td>
<td>Grey, shell fragments</td>
<td></td>
</tr>
</tbody>
</table>

## WATERSHED FEATURES
- **Predominant Surrounding Land Use**:
  - ☑ Field/Pasture
  - ☑ Agricultural
  - ☑ Commercial
  - ☑ Industrial (gravel quarry)
  - ☑ Residential
  - ☑ Other:
- **Indicate the dominant type**:
  - ☑ Trees
  - ☑ Shrubs
  - ☑ Grasses
  - ☑ Herbaceous
- **Canopy Cover**: Open
- **Floodplain Width**: Moderate (15-30 ft)
- **Wetland Present**: ☑ Yes ☑ No
- **Wetland ID**: 

## AQUATIC VEGETATION
- Indicate the dominant type and record the dominant species present:
  - ☑ Rooted emergent
  - ☑ Rooted submergent
  - ☑ Rooted floating
  - ☑ Free floating
  - ☑ Floating algae
  - ☑ Attached algae
  - ☑ None
  - ☑ Reed canary grass

## MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES
- Man-made canal.
GENERAL ID
Stream ID TM-A25-STR-01  Stream Name: Unnamed
Lat: 39.98748  Long: -104.84277  Date: 7/6/2017
Project Name: Tucson South Mine  Client: Aggregate Industries
Investigators: J. Heule, C. Ansari
Flow Regime: Perennial  Water Type: NRPW  Photo ID:

STREAM FEATURES

<table>
<thead>
<tr>
<th>Estimate Measurements</th>
<th>Stream Erosion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Top of Bank Width (feet):</td>
<td>4</td>
</tr>
<tr>
<td>Top of Bank Height (feet):</td>
<td>2</td>
</tr>
<tr>
<td>LB (feet):</td>
<td>2</td>
</tr>
<tr>
<td>RB (feet):</td>
<td>2</td>
</tr>
<tr>
<td>Water Depth (in.):</td>
<td>0</td>
</tr>
<tr>
<td>Water Width (feet):</td>
<td>0</td>
</tr>
<tr>
<td>High Water Mark (inches):</td>
<td>2</td>
</tr>
</tbody>
</table>

FLOWS CHARACTERISTICS

<table>
<thead>
<tr>
<th>Water Present:</th>
<th>No water present, stream bed dry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of Reach Represented by Stream Morphology Types:</td>
<td></td>
</tr>
<tr>
<td>Velocity:</td>
<td>Slow</td>
</tr>
<tr>
<td>Turbidity:</td>
<td>N/A</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
</tr>
</tbody>
</table>

SUBSTRATE COMPONENTS

<table>
<thead>
<tr>
<th>Inorganic Substrate Components—Should add to 100%</th>
<th>Organic Substrate Components—Does not necessarily add to 100%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substrate Type</td>
<td>Diameter</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Bedrock</td>
<td></td>
</tr>
<tr>
<td>Boulder</td>
<td>&gt; 256mm (10&quot;)</td>
</tr>
<tr>
<td>Cobble</td>
<td>64–256mm (2.5&quot;–10&quot;)</td>
</tr>
<tr>
<td>Gravel</td>
<td>2–64mm (0.1&quot;–2.5&quot;)</td>
</tr>
<tr>
<td>Sand</td>
<td>0.06–2mm (gritty)</td>
</tr>
<tr>
<td>Silt</td>
<td>0.004–0.06mm</td>
</tr>
<tr>
<td>Clay</td>
<td>&lt; 0.004mm (slick)</td>
</tr>
</tbody>
</table>

WATERSHED FEATURES

| Predominant Surrounding Land Use: | ☐ Forest | ☐ Industrial (gravel quarry) |
| Field/Pasture | ☑ ☐ Residential |
| Agricultural | ☐ Other: |
| Commercial | ☐ |
| Indicate the dominant type: | ☐ Trees | ☑ Grasses |
| ☐ Shrubs | ☐ Herbsaceous |
| Canopy Cover: | Open | |
| Floodplain Width: | Narrow (less than 16 ft) | |
| Wetland Present: | ☐ Yes ☑ No | |
| Wetland ID: | | |

AQUATIC VEGETATION

Indicate the dominant type and record the dominant species present:
☐ Rooted emergent  ☐ Rooted submergent  ☐ Rooted floating  ☐ Free floating
☐ Floating algae  ☐ Attached algae  ☐ None  ☐ Reed canary grass

MACROINVERTEBRATES OR OTHER WILDLIFE OBSERVED/OBSERVATIONS AND NOTES
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Attachment 3:
Representative Photos
Photo 1: Looking northeast along the South Platte River from approximately 50 feet east of upland sample plot TM-A01-UP-01. The ordinary high water mark (OHWM) can be seen on the left side of this photo; a sandbar exists within the OHWM and trees and shrubs are growing outside of the OHWM.
Photo 2: View to the east of TM-A9-Swale-01, located on the northern side of wetland TM-A06-WT-01. Stream TM-A08-STR-01 can be seen in the lower half of this photograph as a cement lined irrigation ditch. No OHWM, defined bed, defined banks, or scour were observed within TM-A09-Swale-01; the swale is not likely a jurisdictional WOTUS.
Photo 3: View to the south of stream TM-A18-UP-01, Brighton Ditch. The stream had flowing water during surveys. The stream was observed to flow north out of the Project area.
Photo 4: View of Pond TM-A15-POND-01. The delineated area of this pond was observed to be covered in a majority surface water, and had a wetland fringe around the edge. Uplands were observed to be dominated by curly dock (*Rumex crispus*), smooth brome (*Bromus inermus*) and kochia (*Bassia scoparia*). No outlet to other potential WOTUS were observed at the pond.
Photo 5: View to the northwest of wetland TM-A16-WT. This wetland was dominated by broadleaf cattail (*Typha latifolia*), and the soil sample plot was observed to have saturation. Surface water in the wetland can be seen on the right side of this picture.
Photo 6: View to west of wetland TM-A06-WT from wetland sample plot TM-A06-WT-01. This wetland was observed to be a mix of herbaceous wetland dominated by broadleaf cattail and shrub wetland dominated by peach leaf willow (*Salix amygdaloides*) in some areas, and a forested wetland area dominated by plains cottonwood (*Populus deltoides*) around the edge of the wetland.
Photo 7:  View to the west from upland sample plot TM-A22-WT-01, which is located on a hillside down gradient of Brantner Ditch. The wetland was dominated by reed canary grass (*Phalaris arundinacea*) and curly dock.
Photo 8: View to the northwest of wetland TM-A13-WT, a depressional wetland dominated by broadleaf cattails. Several wetlands were observed near TM-A13-WT that were also small depressional wetlands dominated by cattails including TM-A13-WT, including TM-A12-WT, and TM-A14-WT.
Photo 8: View to the east of wetland TM-A19-WT, and the center of the center of the Project area. Wetland TM-A19-WT appears to be a man-made feature dominated by narrow leaf cattails.
Photo 8: View to the north from TM-A24-UP-01. This area is mapped as a National Wetland Inventory Wetland, but indicators of neither hydrophytic vegetation, nor wetland hydrology, nor hydric soils, were observed here, therefore, it was determined to be upland, and will not require a USACE permit for construction.
EXHIBIT K

CLIMATE INFORMATION
Climate Information
The proposed Tucson South Resource permit area exhibits a semi-arid climate typical of the Northern Colorado Front Range region. The region is characterized by low humidity, relatively low average precipitation, and a high percentage of sunshine. A large amount of the precipitation which occurs falls during short duration, high intensity summer thunderstorm activity.

Climate information was available from the Western Regional Climate Center in Brighton, Colorado. The climate data collected from 1973 through 2016, indicates the total annual precipitation at the site to be approximately 14.03 inches per year. Monthly average temperature and precipitation data for the periods of record are provided in the following table.

**BRIGHTON 3 SE, COLORADO (050950)**
Period of Record Monthly Climate Summary - Period of Record: 10/01/1973 to 06/10/2016

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Average Max. Temperature (F)

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Average Total Precipitation (in.)

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Average Total Snow Fall (in.)

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Average Snow Depth (in.)
EXHIBIT M

OTHER PERMITS AND LICENSES
EXHIBIT M

Other Permits and Licenses

The operator either currently has or will obtain:

- **Adams County Use by Special Review Permit** – AI will apply to Adams County for a Conditional Use Permit for Gravel mining. The Conditional Use Permit will be obtained prior to operations.
- **Adams County Floodplain Use Permit** – AI will apply to Adams County for a Floodplain Use Permit concurrent with the Conditional Use Permit.
- **Adams County Erosion and Sediment Control Plan** - AI will apply to Adams County for an Erosion and Sediment Control Plan concurrent with the Conditional Use Permit.
- **Adams County Conservation Plan Permit** - AI will apply to Adams County for Conservation Plan Permit concurrent with the Conditional Use Permit.
- **CDOT Access Permit** – AI will apply for the CDOY Access Control Permit Concurrent with the Adams County Conditional Use Permit. Material Hauling traffic from Phase 1 will not access the State Highway until the requires permits are obtained from CDOT.
- **Well Permit and Substitute Water Supply Plan, Colorado State Engineer’s Office** – A Substitute Water Supply Plan and well permit have been obtained from State Engineer’s Office.
- **APEN, Colorado Department of Public Health and Environment Air Pollution Emission Notification Permit** – Permits will be obtained prior to operations.
- **CDPS, Colorado Department of Public Health and Environment Colorado Discharge Permit System Permit** – Permits will be obtained prior to operations.
- **Adams County Road Access Permit** – Permit will be obtained prior to transporting material onto Adams County roads.
- **Adams County work in the ROW Permit** - Permit will be obtained prior to any required work within Adams County road right of ways.
EXHIBIT N

SOURCE OF LEGAL RIGHT TO ENTER
CONSENT TO PERMITTING ACTIVITIES

This Consent is granted by the City of Aurora, whose address is 15151 E. Alameda Parkway, Suite 3200, Aurora, Colorado, 80012, in favor of Aggregate Industries-WCR, Inc. (“AI”), whose address is 1687 Cole Boulevard, Suite 300, Golden, CO 80401.

Aurora and AI are parties to a purchase and sale agreement pertaining to gravel pit reservoirs near Brighton, Colorado, and are in the process of amending said agreement. The parties contemplate that certain lands now owned by Aurora, and described in Exhibit A hereto (the “Real Property”), will be mined by AI pursuant to the amended agreement.

Aurora hereby consents to AI’s inclusion of the Real Property in all federal, state and local permit applications necessary for AI to conduct a sand and gravel mining operation on the Real Property. This Consent will automatically terminate in the event AI and Aurora have not entered into an amended agreement providing for AI’s mining of the Real Property by September 30, 2018.

Hector Reynoso, Manager
Real Property Services Division
Public Works Department
City of Aurora

STATE OF COLORADO )
COUNTY OF ARAPAHOE ) ss

The foregoing instrument was acknowledged before me this 8th day of September, 2017, by Hector Reynoso, Manager, Real Property Services Division, Public Works Department, City of Aurora, Colorado.

Witness my hand and official seal. Leiana Baker
Notary Public

My commission expires: 7-28-21

(SEAL)

LEIANA BAKER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014021606
MY COMMISSION EXPIRES 07/28/2021
Exhibit A
To
Consent to Permitting Activities

Horiuchi/Fauoda Parcel

That part of the Southwest One-Quarter of Section 1, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the center of said Section 1; thence N90°00'00"W on an assumed bearing along the East-West centerline of said Section 1 a distance of 30.00 feet to the true point of beginning; thence continuing along said line a distance of 324.12 feet; thence S00°11'00"W along a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet; thence N90°00'00"E on a line parallel to the East-West centerline of said Section 1 a distance of 324.12 feet; thence N00°11'00"E on a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet to the true point of beginning.

County of Adams,
State of Colorado.

Also known by street and number as: 16315 Tucson Street, Brighton, CO 80601

Mars Parcel

That part of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section 1, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as follows:

Beginning at a point on the North line of said Southwest Quarter of the Southeast Quarter (SW¼SE¼), 30 feet East of the Northwest corner of said Southwest Quarter of the Southeast Quarter (SW¼SE¼); thence East along said North line 850 feet; thence South parallel with the West line of said Southwest Quarter of the Southeast Quarter (SW¼SE¼), 250 feet; thence West parallel with the North line of said Southwest Quarter of the Southeast Quarter (SW¼SE¼), 850 feet; thence North 250 feet to the point of beginning, County of Adams, State of Colorado.

Also known by APN number: 157101000017

~~~ End of Document ~~~
THIS DEED, made as of this 4th day of September 2002, is by and between Leonard C. Leon and Lydia E. Leon whose address is 13115 E. 160th Avenue, Brighton Colorado 80601 ("Grantor"), and Aggregate Industries-WCR Inc., a Colorado corporation, whose address is 3605 South Teller Street, Lakewood, Colorado 80235 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and 00/100 Dollars ($10.00) to Grantor in hand paid by Grantee, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs, successors and assigns forever, the real property situate in the County of Adams, State of Colorado, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter "the Property"),

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversionings, remainder and remainders, rents, issues and profits thereof, including, but not limited to, all gravel, sand, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic in whatsoever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state or in combination, association or solution with other mineral or non-mineral substances, regardless of their intended use or current commercial value, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances, except as otherwise provided herein.

RESERVING, however, unto the Grantor, all right, title, and interest in and to all gold, oil, gas, and other liquid hydrocarbon substances, and casinghead gas (collectively the "Reserved Minerals"), together with the right to mine and remove the same. Notwithstanding the foregoing reservation, it is expressly recognized that the minerals and mineral rights conveyed to Grantee herein are dominant to Grantor’s rights with respect to the Reserved Minerals, and that Grantor may not mine and remove any of the Reserved Minerals in such a manner as to interfere with or make more expensive the mining or development of gravel, sand or other minerals by Grantee. In addition, it is expressly recognized that Grantee will have the right to mine and develop gravel, sand and other minerals conveyed to it hereunder without testing for, and without any obligation to account to Grantor for, any gold that may be interspersed with or found in conjunction with such sand, gravel or other minerals.

TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, its heirs, successors and assigns forever. And Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its heirs, successors and assigns, that at the time of the ensaling and delivery of these presents it is well seized of the Property, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever except general taxes and assessments for the current year and all subsequent years; and except for those matters shown on Exhibit B attached hereto and incorporated herein; and the above bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, will warrant or forever defend against all and every person or persons lawfully claiming or to claim the whole or any part thereof.
IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

[Signatures]

Leonard C. Leon
Lydia E. Leon

STATE OF Colorado ss.
COUNTY OF Denver ss.

The foregoing instrument was acknowledged before me this 4th day of September, 2002, by Leonard C. Leon and Lydia E. Leon.

Witness my hand and official seal.

My commission expires: 8/15/2005

Notary Public

PENNY L. NELSON
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 8/15/2005
EXHIBIT "A"

LEGAL DESCRIPTION

THE SW1/4 OF THE SE1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST, EXCEPT THAT PART AS DESCRIBED IN BOOK 1055 AT PAGE 52, AND IN THE 1214 AT PAGE 326 AND EXCEPT THAT PART DESCRIBED IN BOOK 1205 AT PAGE 128, COUNTY OF ADAMS, STATE OF COLORADO.
PERMITTED EXCEPTIONS

1. Taxes for the year 2002, and subsequent years; special assessments or charges not certified to the County Treasurer.

2. Oil and Gas recorded June 02, 1970, in Book 1602 at Page 236, and any assignments thereof or interests therein or rights thereunder.

3. Oil and Gas recorded February 27, 1975, in Book 1979 at Page 732, and any assignments thereof or interests therein or rights thereunder.

4. Oil and Gas recorded February 27, 1975, in Book 1979 at Page 736, and any assignments thereof or interests therein or rights thereunder.

5. Reservations contained in Deed recorded January 14, 1985, in Book 2957 at Page 179.

6. Terms, conditions, provisions and obligations contained in Option Agreement, recorded January 22, 2002, at Reception Number C0916204.


8. Reservations contained in Deed from Leonard C. Leon and Lydia E. Leon to Aggregate Industries - WCR, Inc.

9. Encroachment of the ditch and fence onto an adjoining parcel to the North as evidenced by survey of Farnsworth Group, dated August 29, 2002, Job Number 302052.1.

10. 30 foot right of way along the Western boundary of the subject property for Tuscon Street as evidenced by survey of Farnsworth Group, dated August 29, 2002, Job Number 302052.1.
SPECIAL WARRANTY DEED

THIS DEED, dated July 17, 2017, between Thomas Z. Mars, of the County of Adams and State of Colorado, grantor, and the City of Aurora, a Colorado municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise, whose legal address is 1515 E. Alameda Pkwy, Aurora, CO 80012 of the County of Arapahoe and State of Colorado, grantee:

WITNESS, that the grantor, for and in consideration of the sum of ONE HUNDRED SIXTY EIGHT THOUSAND DOLLARS ($168,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Adams and State of Colorado, described as follows:

SESG ATTACHED EXHIBIT "A"

Asessor’s schedule or parcel number: 015710100017

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reception and revenues, remainder and reversionary, rents, issues and profits thereof, and all the estate, title, interest, claims and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of the grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

[Signature]
Thomas Z. Mars

STATE OF COLORADO
COUNTY OF Elbert

The foregoing instrument was acknowledged before me this 17 day of July, 2017, by Thomas Z. Mars.

DIANE LYNH MARS
Notary Public
State of Colorado
Notary ID 20154021243
My Commission Expires Aug 10, 2019

Witness my hand and official seal. My commission expires: 8-10-19

Notary Public

Name and Address of Person Cursing Newly Created Legal Documents (CR.5-101,5, CR.5)
Exhibit A

Legal Description of the Property

That part of the Southwest Quarter of the Southeast Quarter (SW\%SE\%Q) of Section 1, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as follows:

Beginning at a point on the North line of said Southwest Quarter of the Southeast Quarter (SW\%SE\%Q), 30 feet East of the Northwest corner of said Southwest Quarter of the Southeast Quarter (SW\%SE\%Q); thence East along said North line 850 feet; thence South parallel with the West line of said Southwest Quarter of the Southeast Quarter (SW\%SE\%Q), 250 feet; thence West parallel with the North line of said Southwest Quarter of the Southeast Quarter (SW\%SE\%Q), 850 feet; thence North 250 feet to the point of beginning, County of Adams, State of Colorado.

Also known by APN number: 157101000017
SPECIAL WARRANTY DEED  
(Seltzer Well Site)

THIS DEED, made this 6th day of APRIL, 2012, by and between TODD CREEK VILLAGE METROPOLITAN DISTRICT, a Colorado special district and political subdivision of the State of Colorado organized and acting pursuant to the provisions of Article 1, Title 32, C.R.S., whose legal address is 10450 E. 159th Ct., Brighton, CO 80601 ("Grantor"), and AGGREGATE INDUSTRIES – WCR, INC., a Colorado corporation, whose address is 1707 Cole Blvd., Suite 100, Golden, CO 80401 ("Grantee").

WITNESSETH, that the Grantor, for and in consideration of ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee, its successors and assigns forever, the real property described as "Parcel A (Seltzer Farms – Well Site)" in that special warranty deed recorded in the real property records of the County of Adams, State of Colorado on August 7, 2001 at reception no. C0839204 (the "Property"), which Property is depicted in Exhibit A attached hereto and more particularly described as follows:

A parcel of land in the SW1/4 of Section 1, Township 1 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado, hereinafter referred to as the "Well Parcel" and more particularly described as follows:

Beginning at the Southwest corner of said Section 1; thence North along the West line of said Section 1 a distance of 1449 feet; thence S84°05’E a distance of 1334.7 feet to the true Point of Beginning;

Thence S69°18’E, 260.7 feet;
Thence N07°32’E, 171.6 feet;
Thence N69°18’W, 260.7 feet;
Thence S07°32’W, 171.6 feet to the Point of Beginning;

Consisting of approximately 1.0 acres, more or less.

Grantor reserves the right but is not obligated to remove any well equipment, pumps and/or motors located on, over, under or within the above-described Well Parcel, which right shall terminate upon Grantee’s election to remove said Well Equipment in its sole discretion.

TO HAVE AND TO HOLD the said Property above bargained and described, unto the Grantee, its successors and assigns forever. The Grantor, for itself and its successors and assigns, does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above Property in the quiet and peaceable possession of the Grantee, its successors and assigns against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.
IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

GRANTOR:

TODD CREEK VILLAGE METROPOLITAN DISTRICT, a Colorado special district and political subdivision of the State of Colorado

By:  

Name: George R. Hanlon, Jr.  

Title: President  

STATE OF COLORADO  

COUNTY OF ADAMS  

The foregoing instrument was acknowledged before me this 6th day of April, 2012, by George R. Hanlon, Jr. as President of TODD CREEK VILLAGE METROPOLITAN DISTRICT.

Witness my hand and official seal.

My commission expires: 04/21/2013.  

JIMMY LOGE  
NOTARY PUBLIC  
STATE OF COLORADO  

Notary Public
Exhibit A to

SPECIAL WARRANTY DEED
(SELTZER WELL SITE)

Depiction of Property
SPECIAL WARRANTY DEED

THIS DEED, dated May 16, 2017, between Hector A. Fuentes, of the County of Adams and State of Colorado, grantor, and the City of Aurora, a Colorado municipal corporation, of the County of Adams and State of Colorado, grantee:

WITNESS that the grantor, for and in consideration of the sum of One Hundred Eighty Thousand and No/100 Dollars ($180,000.00), the receipt and sufficiency of which is hereby acknowledged, has granted, bargain, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantee, its successors and assigns forever, all the real property, together with improvements, if any, situated and being in the County of Adams and State of Colorado, described as follows:

ATTACHED EXHIBIT "A"

Grantor's social security number: 0452101000628
Address: 3312 Denver Street, Brighton, CO 80602

TOGETHER WITH all and singular the heretofore and appurtenances thereto belonging, or in anywise appertaining, the egress and ingress, remnant and remainder, rents, issues and profits, however, and all the appurtenances, rights, liberties, easements, covenants and conditions whatsoever of the grantor, either in law or equity of, in and to the above described premises, with the appurtenances and appurtenant;

TO HAVE AND TO HOLD the said premises above described and conveyed, with the appurtenances, unto the grantee, its successors and assigns forever. The grantor, for itself, its successors and assigns, does covenant and agree that it shall and will WARRANT AND DEFEND the above granted premises, in the full and perfect possession of the grantee, its successors and assigns, against all and every person or persons claiming the same in any part.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

Hector A. Fuentes
Hectore Alfonso Fuentes

STATE OF COLORADO

CITY AND COUNTY OF AURORA

The foregoing instrument was acknowledged before me this 16th day of May, 2017, by Hector A. Fuentes.

[Signature]
MARIA J. ESPINOSA
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires: Nov. 19, 2020
Exhibit A
Legal Description of the Property

That part of the Southwest One-Quarter of Section 1, Township 1 South, Range 57 West of the 6th Principal Meridian, Adams County, Colorado, described as: Beginning at the center of said Section 1; thence N90°00'00"W on an assumed bearing along the East-West centerline of said Section 1 a distance of 30.00 feet to the true point of beginning; thence continuing along said line a distance of 324.12 feet; thence S90°11'00"W along a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet; thence N90°00'00"E on a line parallel to the East-West centerline of said Section 1 a distance of 324.12 feet; thence N90°11'00"E on a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet to the true point of beginning.

County of Adams,
State of Colorado.

Also known by street and number as: 18315 Tucson Street, Brighton, CO 80601
GENERAL WARRANTY DEED

THIS DEED, made as of this 9th day of July 2002, is by and between John L. Kloefkorn and Mary Ann Kloefkorn of 320 ACC, Alamo, Texas 78516 ("Grantor"), and Aggregate Industries-WCR Inc., a Colorado corporation, whose address is 3605 South Teller Street, Lakewood, Colorado 80235 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and 00/100 Dollars ($10.00) to Grantor in hand paid by Grantee, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs, successors and assigns forever, an undivided one-half interest in and to the real property situate in the County of Adams, State of Colorado, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter "the Property"),

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including, but not limited to, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic in whatsoever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state or in combination, association or solution with other mineral or non-mineral substances, regardless of their intended use or current commercial value, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances. Except, Grantor reserves all of its right, title, and interest in and to all oil royalty, gas royalty and royalty in casinghead gas and gasoline that may be produced under that certain Oil, Gas and Mineral Lease dated April 13, 1973, from Edward Getz and Betty Getz as Lessor to Amoco Production Company as Lessee.

TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, its heirs, successors and assigns forever. And Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its heirs, successors and assigns, that at the time of the ensealing and delivery of these presents it is well seized of the Property, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature so ever except general taxes and assessments for the current year and all subsequent years; and except for those matters shown on Exhibit B attached hereto and incorporated herein; and the above bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, will warrant or forever defend against

[Signature]

Date

$44.00

State Doc. Fee

$44.00

R.F. $20.00
all and every person or persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

\[Signature\]
John L. Kloefkorn

\[Signature\]
Mary Ann Kloefkorn

STATE OF (Colorado) ss.
COUNTY OF Denver ss.

The foregoing instrument was acknowledged before me this 9th day of July 2002, by John L. Kloefkorn and Mary Ann Kloefkorn.

Witness my hand and official seal.

My commission expires: 8/15/2015.

\[Signature\]
Notary Public

PENNY L. NELSON
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 8/5/2005
EXHIBIT A

LEGAL DESCRIPTION

An undivided 1/2 interest in and to:

That part of the North one-half Southeast one quarter Section 1, Township 1 South, Range 67 West of the Sixth Principal Meridian, Adams County, Colorado, lying North and West of the centerline of the South Platte River, described as:

Commencing at the Northwest corner of said North one-half Southeast one-quarter;
thence South 0°08'29" East along the West line of said North one-half Southeast one-quarter, a distance of 621.95 feet to a line that is parallel with the North line of said North one-half Southeast one-quarter and 5 feet South of an existing house and the Point of Beginning;
thenwest 89°37'18" East, parallel with the North line of said North one-half Southeast one-quarter, a distance of 1050.57 feet;
then west 0°08'29" West, parallel with the West line of said North one-half Southeast one-quarter, a distance of 621.95 feet to the North line of said North one-half Southeast one-quarter;
then west 89°37'18" East along the North line of said North one-half Southeast one-quarter, a distance of 1635.47 feet to the Northeast corner of said North one-half Southeast one-quarter;
then west 0°31'01" East along the East line of said North one-half Southeast one-quarter, a distance of 590.02 feet to the centerline of the South Platte River;
Then west Southerly along the centerline of the South Platte River South 53°55'12" West, a distance of 142.93 feet to a line that is 646.34 feet North of and parallel with the South line of said North one-half Southeast one-quarter;
thenewest 89°54'25" West along said line, a distance of 1324.16 feet to a line that is 1250.00 feet East of and parallel with the West line of said North one-half Southeast one-quarter;
thenewest 0°08'29" East, parallel with the West line of said North one-half Southeast one-quarter, a distance of 169.08 feet to a line that is 477.26 feet North of and parallel with the South line of said North one-half Southeast one-quarter;
thenewest 89°54'25" West along said line, a distance of 1250.00 feet to the West line of said North one-half Southeast one-quarter; thence North 0°08'29" West along the West line of said North one-half Southeast one-quarter, a distance of 207.94 feet to the Point of Beginning,

EXCEPT the West 40.00 feet thereof.

County of Adams, State of Colorado.
EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for the year 2002, and subsequent years thereto.

2. Oil and gas lease between Edward Getz and Betty Getz and Amoco Production, recorded May 7, 1973, in Book 1862, at Page 112, and any and all assignments thereof, or interests therein.

   NOTE: Affidavit of Lease Extension or Production recorded September 18, 1975, in Book 2018, at Page 408.

   NOTE: Notice of Oil and Gas Interests and Surface Use recorded December 5, 2000, in Book 6346, at Page 848.


4. Easement and right of way for major drainage facilities and related appurtenances, including maintenance trails, granted to Urban Drainage and Flood Control District, by instrument recorded October 17, 1989, in Book 3612, at Page 381.

5. a. Rights of others in and to the use of the South Platte River, located over, across, in or under a Southeasterly portion of subject property, and rights to enter said property to maintain the same.

   b. The consequences of any past or future change in the location of the centerline of the South Platte River, which forms the Southeasterly boundary of the property.

6. Lease by and between David L. Morrison and Penelope E. Morrison as Lessee and Aggregate Industries-WCR, Inc., a Colorado corporation as Lessor.
GENERAL WARRANTY DEED

THIS DEED, made as of this 9th day of July 2002, is by and between Richard L. Getz and Beverly L. Getz of 16332 Tucson Street, Brighton Colorado 80601 ("Grantor"), and Aggregate Industries-WCR Inc., a Colorado corporation, whose address is 3605 South Teller Street, Lakewood, Colorado 80235 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten and 00/100 Dollars ($10.00) to Grantor in hand paid by Grantee, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs, successors and assigns forever, the real property situate in the County of Adams, State of Colorado, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter "the Property").

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including, but not limited to, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic in whatsoever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state or in combination, association or solution with other mineral or non-mineral substances, regardless of their intended use or current commercial value, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances. Except, Grantor reserves all of its right, title, and interest in and to all oil royalty, gas royalty and royalty in casinghead gas and gasoline that may be produced under that certain Oil, Gas and Mineral Lease dated April 13, 1973, from Edward Getz and Betty Getz as Lessor to Amoco Production Company as Lessee.

TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, its heirs, successors and assigns forever. And Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its heirs, successors and assigns, that at the time of the ensealing and delivery of these presents it is well seized of the Property, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature so ever except general taxes and assessments for the current year and all subsequent years; and except for those matters shown on Exhibit B attached hereto and incorporated herein; and the above bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, will warrant or forever defend against all and every person or persons lawfully claiming or to claim the whole or any part thereof.

Date

$ 44.00

Document Fee

Doc fee $44.00

AGGREGATE INDUSTRIES TUCSON SOUTH PERMIT AMENDMENT
Page N-17
IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

Richard L. Getz

Beverly L. Getz

STATE OF Colorado ss.
COUNTY OF Denver ss.

The foregoing instrument was acknowledged before me this 94th day of July 2002, by Richard L. Getz and Beverly L. Getz.

Witness my hand and official seal.

My commission expires: 8/5/2005

PENNY L. NELSON
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 8/5/2005
EXHIBIT A

LEGAL DESCRIPTION

That part of the North one-half Southeast one-quarter, Section 1, Township 1 South, Range 67 west of the Sixth Principal Meridian, Adams County, Colorado, described as:

Commencing at the Northwest corner of said North one-half Southeast one-quarter, said point being the Point of Beginning;

Thence N. 89°37'18" E. along the North line of said North one-half Southeast one-quarter a distance of 1050.57 feet;

Thence S. 0°08'29"E, parallel with the West line of said North one-half Southeast one-quarter a distance of 621.95 feet to a line that is parallel with the North line of said North one-half Southeast one-quarter and 5 feet South of an existing house;

Thence S. 89°37'18" W. along said line a distance of 1050.57 feet to the West line of said North one-half Southeast one-quarter;

Thence N. 0°08'29" W. along the West line of said North one-half Southeast one-quarter a distance of 621.95 feet, to the Point of Beginning;

EXCEPT the West 40.00 feet thereof,

County of Adams, State of Colorado.
EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for the year 2002 and subsequent years thereto.

2. Oil and gas lease between Edward Getz and Betty Getz and Amoco Production, recorded May 7, 1973, in Book 1862, at Page 112, and any and all assignments thereof, or interests therein.

   NOTE: Affidavit of Lease Extension or Production recorded September 18, 1975, in Book 2018, at Page 408.

   NOTE: Notice of Oil and Gas Interests and Surface Use recorded December 5, 2000, in Book 6346, at Page 848.


5. Lease by and between Richard L. Getz and Beverly L. Getz as Lessee and Aggregate Industries-WCR, Inc., a Colorado corporation as Lessor.
GENERAL WARRANTY DEED

THIS DEED, made as of this 9th day of July 2002, is by and between
David L. Morrison and Penelope E. Morrison of 16322 Tucson Street, Brighton
Colorado 80601 ("Grantor"), and Aggregate Industries-WCR Inc., a Colorado
corporation, whose address is 3605 South Teller Street, Lakewood, Colorado 80235
("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Ten
and 00/100 Dollars ($10.00) to Grantor in hand paid by Grantee, the receipt whereof is
hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by
these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs,
successors and assigns forever, an undivided one-half interest in and to the real
property situate in the County of Adams, State of Colorado, and more particularly
described on Exhibit A attached hereto and incorporated herein by this reference
(hereinafter "the Property"),

TOGETHER with all and singular the hereditaments and appurtenances
thereunto belonging, or in any wise appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits thereof, including, but not limited
to, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas,
coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring
elements, compounds and substances, whether similar or dissimilar, organic or
inorganic, metallic or non-metallic in whatsoever form and whether occurring, found,
extracted or removed in solid, liquid or gaseous state or in combination, association or
solution with other mineral or non-mineral substances, regardless of their intended use
or current commercial value, and all the estate, right, title, interest, claim and demand
whatsoever of Grantor, either in law or equity, of, in and to the Property, with the
hereditaments and appurtenances. Except, Grantor reserves all of its right, title, and
interest in and to all oil royalty, gas royalty and royalty in casinghead gas and gasoline
that may be produced under that certain Oil, Gas and Mineral Lease dated April 13,
1973, from Edward Getz and Betty Getz as Lessor to Amoco Production Company as
Lessee.

TO HAVE AND TO HOLD the Property above bargained and described,
with the appurtenances unto Grantee, its heirs, successors and assigns forever. And
Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to
and with Grantee, its heirs, successors and assigns, that at the time of the ensealing and
delivery of these presents it is well seized of the Property, as of good, sure, perfect,
absolute and indefeasible estate of inheritance, in law, in fee simple, and has good
right, full power and lawful authority to grant, bargain, sell and convey the same in
manner and form aforesaid, and that the same is free and clear from all former and other
grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or
nature so ever except general taxes and assessments for the current year and all
subsequent years; and except for those matters shown on Exhibit B attached hereto and
incorporated herein; and the above bargained premises in the quiet and peaceable
possession of Grantee, its successors and assigns, will warrant or forever defend against

Date
4/4/00
$ 44.00
State Doc. Fee
44.00

CAROL SNYDER
ADAMS COUNTY
40.00
44.00

Doc fee $44.00
F 5/2000

Aggregate Industries Tucson South Permit Amendment
Page N-21
all and every person or persons lawfully claiming or to claim the whole or any part thereof.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

David L. Morrison

Penelope E. Morrison

STATE OF Colorado ) ss.
COUNTY OF Denver )

The foregoing instrument was acknowledged before me this 1st day of July 2002, by David L. Morrison and Penelope E. Morrison

Witness my hand and official seal.

My commission expires: 08/31/2005.

Notary Public
EXHIBIT A

LEGAL DESCRIPTION

An undivided 1/2 interest in and to:

That part of the North one-half Southeast one quarter Section 1, Township 1 South, Range 67 West of the Sixth Principal Meridian, Adams County, Colorado, lying North and West of the centerline of the South Platte River, described as:

Commencing at the Northwest corner of said North one-half Southeast one-quarter;
thence South 0°08′29″ East along the West line of said North one-half Southeast one-quarter, a distance of 621.95 feet to a line that is parallel with the North line of said North one-half Southeast one-quarter and 5 feet South of an existing house and the Point of Beginning;
thence North 89°37′18″ East, parallel with the North line of said North one-half Southeast one-quarter, a distance of 1050.57 feet;
thence North 0°08′29″ West, parallel with the West line of said North one-half Southeast one-quarter, a distance of 621.95 feet to the North line of said North one-half Southeast one-quarter;
thence North 89°37′18″ East along the North line of said North one-half Southeast one-quarter, a distance of 1635.47 feet to the Northeast corner of said North one-half Southeast one-quarter;
thence South 0°31′01″ East along the East line of said North one-half Southeast one-quarter, a distance of 590.02 feet to the centerline of the South Platte River;

Thence Southerly along the centerline of the South Platte River South 53°55′12″ West, a distance of 142.93 feet to a line that is 646.34 feet North of and parallel with the South line of said North one-half Southeast one-quarter;
thence South 89°54′25″ West along said line, a distance of 1324.16 feet to a line that is 1250.00 feet East of and parallel with the West line of said North one-half Southeast one-quarter;
thence South 0°08′29″ East, parallel with the West line of said North one-half Southeast one-quarter, a distance of 169.08 feet to a line that is 477.26 feet North of and parallel with the South line of said North one-half Southeast one-quarter;
thence South 89°54′25″ West along said line, a distance of 1250.00 feet to the West line of said North one-half Southeast one-quarter; thence North 0°08′29″ West along the West line of said North one-half Southeast one-quarter, a distance of 207.94 feet to the Point of Beginning.

EXCEPT the West 40.00 feet thereof.

County of Adams, State of Colorado.
EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes for the year 2002, and subsequent years thereto.

2. Oil and gas lease between Edward Getz and Betty Getz and Amoco Production, recorded May 7, 1973, in Book 1862, at Page 112, and any and all assignments thereof, or interests therein.

   NOTE: Affidavit of Lease Extension or Production recorded September 18, 1975, in Book 2018, at Page 408.

   NOTE: Notice of Oil and Gas Interests and Surface Use recorded December 5, 2000, in Book 6346, at Page 848.


4. Easement and right of way for major drainage facilities and related appurtenances, including maintenance trails, granted to Urban Drainage and Flood Control District, by instrument recorded October 17, 1989, in Book 3612, at Page 381.

5. a. Rights of others in and to the use of the South Platte River, located over, across, in or under a Southeasterly portion of subject property, and rights to enter said property to maintain the same.

   b. The consequences of any past or future change in the location of the centerline of the South Platte River, which forms the Southeasterly boundary of the property.

6. Lease by and between David L. Morrison and Penelope E. Morrison as Lessee and Aggregate Industries-WCR, Inc., a Colorado corporation as Lessor.
GENERAL WARRANTY DEED

THIS DEED, made as of this 22nd day of August 2002, is by and between
Darrell R. Mallory and Betty B. Mallory, Trustees Under The Darrell R. Mallory and
Betty B. Mallory Living Trust Dated October 19, 1995, whose address is 16202 Tucson
Street, Brighton Colorado 80601 (“Grantor”), and Aggregate Industries-WCR Inc., a
Colorado corporation, whose address is 3605 South Teller Street, Lakewood, Colorado
80235 (“Grantee”).

WITNESSETH, that Grantor, for and in consideration of the sum of
Ten and 00/100 Dollars ($10.00) to Grantor in hand paid by Grantee, the receipt
whereof is hereby confessed and acknowledged, has granted, bargained, sold and
conveyed and by these presents does grant, bargain, sell, convey and confirm unto
Grantee, its heirs, successors and assigns forever, the real property situate in the County
of Adams, State of Colorado, and more particularly described on Exhibit A attached
hereto and incorporated herein by this reference (hereinafter “the Property”).

TOGETHER with all and singular the hereditaments and appurtenances
thereunto belonging, or in any wise appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and profits thereof, including, but not limited
to, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas,
coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring
elements, compounds and substances, whether similar or dissimilar, organic or
inorganic, metallic or non-metallic in whatsoever form and whether occurring, found,
extracted or removed in solid, liquid or gaseous state or in combination, association or
solution with other mineral or non-mineral substances, regardless of their intended use
or current commercial value, and all the estate, right, title, interest, claim and demand
whatsoever of Grantor, either in law or equity, of, in and to the Property, with the
hereditaments and appurtenances.

TO HAVE AND TO HOLD the Property above bargained and described,
with the appurtenances unto Grantee, its heirs, successors and assigns forever. And
Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to
and with Grantee, its heirs, successors and assigns, that at the time of the en sealing and
delivery of these presents it is well seized of the Property, as of good, sure, perfect,
absolute and indefeasible estate of inheritance, in law, in fee simple, and has good
right, full power and lawful authority to grant, bargain, sell and convey the same in
manner and form aforesaid, and that the same is free and clear from all former and other
grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or
nature soever except general taxes and assessments for the current year and all
subsequent years; and except for those matters shown on Exhibit B attached hereto and
incorporated herein; and the above bargained premises in the quiet and peaceable
possession of Grantee, its successors and assigns, will warrant or forever defend against
all and every person or persons lawfully claiming or to claim the whole or any part
thereof.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day
and year first above written.
STATE OF Colorado  
COUNTY OF Denver  

The foregoing instrument was acknowledged before me this 22nd day of August 2002, by Darrell R. Mallory and Betty B. Mallory as Trustees of The Darrell R. Mallory and Betty B. Mallory Living Trust Dated October 19, 1995.

Witness my hand and official seal.

My commission expires: 8/15/2005

PENNY L. NELSON  
NOTARY PUBLIC  
STATE OF COLORADO

Notary Public
EXHIBIT A

LEGAL DESCRIPTION


S53°55'12"W, 94.57 FEET;
S32°39'44"W, 231.53 FEET;
S26°54'09"W, 242.48 FEET;
S15°48'38"W, 187.17 FEET TO THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE S89°54'25"W, ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 2210.47 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF.
EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Taxes for the year 2002, and subsequent years; special assessments or charges not certified to the County Treasurer.

2. Lease by and between Ronald R. Mallory as Tenant and Aggregate Industries-WCR, Inc., a Colorado corporation, as Landlord.

3. Oil and Gas recorded May 07, 1973, in Book 1862 at Page 112, and any assignments thereof or interests therein or rights thereunder.


5. a. Rights of others in and to the use of the South Platte River, located over, across, in or under a Southeasterly portion of subject property, and rights to enter said property to maintain the same.
   b. The consequences of any past or future change in the location of the centerline of the South Platte River, which forms the Southeasterly boundary of the property.

6. The effect, if any, of the Resolutions recorded July 11, 1995, in Book 4545 at Pages 325 through 328.


7. Terms, conditions, provisions and obligations contained in Option Agreement, recorded January 22, 2002, at Reception Number C0916204.

8. The land described herein shall not be deemed to include any house trailer, mobile home or mobile dwelling on the subject property.
GENERAL WARRANTY DEED

THIS DEED, made as of this 18th day of January, 2001, is by and between Daniel B. Stough of 4691 Old Town Road, Marshall, Texas 75672 (“Grantor”), and Aggregate Industries-WCR, Inc., a Colorado corporation, whose address is 3605 South Teller Street, Lakewood, Colorado 80235 (“Grantee”).

WITNESSETH, that Grantor, for and in consideration of the sum of Three hundred twenty-six thousand nine hundred sixteen 00/100 ($326,916.00) to Grantor in hand paid by Grantee, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs, successors and assigns forever, the real property situate in the County of Adams, State of Colorado, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter “the Property”),

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including, but not limited to, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic in whatsoever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state or in combination, association or solution with other mineral or non-mineral substances, regardless of their intended use or current commercial value, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, its heirs, successors and assigns forever. And Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its heirs, successors and assigns, that at the time of the ensaing and delivery of these presents it is well seized of the Property, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever except general taxes and assessments for the current year and all subsequent years; and except for those matters shown on Exhibit B attached hereto and incorporated herein; and the above bargained premises in the quiet and peaceable possession of Grantee, its successors and assigns, will warrant or forever defend against all and every person or persons lawfully claiming or to claim the whole or any part thereof.
IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

Daniel B. Stough

STATE OF (Colorado) ss.
COUNTY OF (Denver)

The foregoing instrument was acknowledged before me this 13th day of January, 2001, by Daniel B. Stough.

Witness my hand and official seal.

My commission expires: 8-3-2001

PENNY L. NELSON
NOTARY PUBLIC
STATE OF COLORADO

Notary Public
EXHIBIT A

to

General Warranty Deed

Legal Description
EXHIBIT A

LEGAL DESCRIPTION

A parcel of land located in the South half of the Northeast quarter of Section 1, Township 1 South, Range 67 West of the 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Beginning at the East quarter corner of said Section 1;
then "South 89°39'53" West 2445.14 feet along the South line of the Northeast quarter of said Section 1;
then "North 00°06'03" West 827.14 feet;
then 214.58 feet along the arc of a curve to the right having a radius of 2944.52 feet and a long chord which bears "North 69°36'00" West 214.53 feet to a point lying 40.00 feet Easterly from the West line of the Northeast quarter of said Section 1;
then "North 00°06'03" West 32.92 feet parallel to the West line of the Northeast quarter of said Section 1;
then 105.94 feet along the arc of a curve to the left having a radius of 2914.63 feet and a long chord which bears "South 70°16'26" East 105.80 feet, said point being on the Southerly line of the Tucson Resources Subdivision as recorded in the Adams County Records in File 17 Map 855;
then "South 73°16'48" East 2463.67 feet along the Southerly line of said Tucson Resources Subdivision to the East line of the Northeast quarter of said Section 1;
then "South 00°10'30" East 108.13 feet along the East line of the Northeast quarter of said Section 1 to the Point of Beginning.

AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE

GENERAL WARRANTY DEED

THIS DEED, made as of this 9th day of February, 2001, is by and between HAABE FARMS INC., whose address is 12711 East 160th Avenue, Brighton, Colorado 80601, ("Grantor"), and Aggregate Industries-WCR, Inc., a Colorado Corporation whose address is 3605 South Teller Street, Lakewood, Colorado 80235 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of Two Million Six Hundred Thousand Dollars ($2,600,000.00) to Grantor in hand paid by Grantee, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell, convey and confirm unto Grantee, its heirs, successors and assigns forever, the real property situate in the County of ADAMS, State of Colorado, and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (hereinafter "the Property").

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, including, but not limited to, to the extent owned by Grantor, all gravel, sand, oil, gas, and other liquid hydrocarbon substances, casinghead gas, coal, carbon dioxide, helium, geothermal resources, and all other naturally occurring elements, compounds and substances, whether similar or dissimilar, organic or inorganic, metallic or non-metallic in whatsoever form and whether occurring, found, extracted or removed in solid, liquid or gaseous state or in combination, association or solution with other mineral or non-mineral substances, regardless of their intended use or current commercial value, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or equity, of, in and to the Property, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the Property above bargained and described, with the appurtenances unto Grantee, its heirs, successors and assigns forever. And Grantor, for itself, its successors and assigns, does covenant, grant, bargain and agree to and with Grantee, its heirs, successors and assigns, that at the time of the ensaleing and delivery of these presents it is well seized of the Property, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right,
full power and lawful authority to grant, bargain, sell and convey the same in manner
and form aforesaid, and that the same is free and clear from all former and other grants,
bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature
soever except general taxes and assessments for the current year and all subsequent
years; and except for those matters shown on Exhibit B attached hereto and
incorporated herein; and the above bargained premises in the quiet and peaceable
possession of Grantee, its successors and assigns, will warrant or forever defend against
all and every person or persons lawfully claiming or to claim the whole or any part
thereof.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day
and year first above written.

HAAKE FARMS INC.

By:  
Name: Mark K Haake
Title: Pres.

STATE OF Co. ss.
COUNTY OF Weld ss.

The foregoing instrument was acknowledged before me this 9th day of

Witness my hand and official seal.

My commission expires: 12/31/03

Notary Public
EXHIBIT A

to
General Warranty Deed

Legal Description
LEGAL DESCRIPTION

PARCEL A:
The Southwest One-quarter of Section 1, Township 1 South, Range 67 West of the Sixth Principal Meridian.

EXCEPT the following 6 parcels:

PARCEL A-1:
That portion conveyed by Warranty Deed recorded September 4, 1951, in Book 427, at Page 20, described as follows:

Beginning at the Southwest corner of Section 1, Township 1 South, Range 67 West of the 6th P.M., Adams County, Colorado, thence North along the West line of said Section 1 a distance of 1100 feet; thence Southeasterly along an irrigation ditch 270 feet; thence Southwesterly 1100 feet to the South line of Section 1; thence West along the South line of Section 1, a distance of 110 feet to the point of beginning.

PARCEL A-2:
That portion lying South of State Highway No. 7 described in Quit Claim Deed recorded September 1, 1956, in Book 926, at Page 50.

PARCEL A-3:
That portion conveyed by Warranty Deed recorded April 27, 1981, in Book 905, at Page 50, described as follows:

Beginning at the Southwest corner of Section 1, Thence North 08°35' East 110.00 feet along South line of SW1/4 of Section 1; thence North 08°23' E 79.7 feet to point on the Northerly right of way line Colorado State Highway No. 7, said point being the true point of beginning; thence North 08°23' East 558.11 feet; thence North 88°35' East 403.9 feet; thence South 07°13' West 226.62 feet; thence South 04°40' West 268.90 feet more or less to a point on Northerly right of way line of Colorado State Highway No. 7; thence South 80°56' West 440.25 feet along said Northerly right of way line to the true point of beginning.

PARCEL A-4:
That portion conveyed by Quit Claim Deed recorded June 3, 1963, in Book 1070, at Page 495, described as follows:

Beginning at the SW corner of Sec. 1, Township 1 South, Range 67 West of the
Continued on next page
Continuation of Legal Description

5th P.M., thence North along West line of said Sec. 1, a distance of 1449.0 feet; thence S 84°05' E a distance of 1134.7 feet to the true point of beginning; thence S 69°18' E, 260.7 feet; thence N 07°32' E, 171.6 feet; thence N 69°18' W, 260.7 feet; thence S 07°32' W, 171.6 feet to the point of beginning.

PARCEL A-5:

Those portions taken by Rule And Order recorded July 12, 1968, in Book 1448, at Page 387, described as follows:

Beginning at a point on the North-South center line of Sec. 1, from which point the South 1/4 corner of Sec. 1, T. 1 S., R. 67 W. bears S 0°2'30" W, a distance of 72.8 feet; 

1. Thence S 89°36'30" W, a distance of 54.0 feet; 
2. Thence S 78°03' W, a distance of 124.8 feet; 
3. Thence along the arc of a curve to the right, having a radius of 5,680.0 feet, a distance of 550.2 feet. (The chord of this arc bears N 87°37' W, a distance of 550.0 feet); 
4. Thence N 84°50'30" W, a distance of 415.1 feet; 
5. Thence N 78°49'45" W, a distance of 238.7 feet; 
6. Thence along the arc of a curve to the left, having a radius of 5,805.0 feet, a distance of 689.2 feet. (The chord of this arc bears N 88°14'30" W, a distance of 688.7 feet) to the West property line; 
7. Thence S 04°53'30" W, a distance of 80.2 feet to a point on the North right of way line of State Highway No. 7 (April 1966); 
8. Thence along said North right of way line, S 81°09'30" W, a distance of 440.3 feet; 
9. Thence S 08°36'30" W, a distance of 38.0 feet to the center of State Highway No. 7 (April 1966); 
10. Thence along the center line of State Highway No. 7, N 81°15' E, a distance of 394.0 feet; 
11. Thence along said center line, N 86°07' E, a distance of 197.0 feet; 
12. Thence along said center line, S 84°50'30" E., a distance of 708.0 feet; 
13. Thence along said center line, S 89°17' E, a distance of 717.7 feet, to the South line of Sec. 1; 
14. Thence along said South line, N 88°48'30" E, a distance of 500.4 feet, to the South 1/4 corner of Sec. 1; 
15. Thence along the North-south center line of Sec. 1, N 0°02'30" E, a distance of 72.8 feet, more or less, to the point of beginning; 

Continued on next page
Continuation of Legal Description

AND

Beginning at a point on the Westerly property line from which the SW corner of Section 1, T. 1 S., R. 67 W., bears S 58°21'30" W. a distance of 674.8 feet;
1. Thence along the Westerly property line S 4°53'30" W a distance of 125.8 feet;
2. Thence along the arc of a curve to the right having a radius of 5,805.0 feet a distance of 689.2 feet (the chord of this arc bears S 88°14'30" E a distance of 688.3 feet);
3. Thence S 78°49'45" E a distance of 238.7 feet;
4. Thence S 84°50'30" E a distance of 250.0 feet;
5. Thence N 5°09'30" E a distance of 40.0 feet;
6. Thence N 84°50'30" W a distance of 250.00 feet;
7. Thence N 78°49'45" W a distance of 88.7 feet;
8. Thence N 5°09'30" E a distance of 25.0 feet;
9. Thence N 78°49'45" W a distance of 150.0 feet;
10. Thence N 87°09'30" W a distance of 506.2 feet;
11. Thence N 50°22' W a distance of 91.6 feet;
12. Thence along the arc of a curve to the left having a radius of 5,930.0 feet a distance of 107.5 feet (the chord of this arc bears S 89°00'45" W a distance of 107.5 feet, more or less, to the point of beginning;

AND

Beginning at a point from which the S1/4 corner of Section 1, T. 1 S., R. 67 W. bears S 30°19'45" E, a distance of 107.0 feet;
1. Thence S 78°03' W a distance of 124.8 feet;
2. Thence along the arc of a curve to the right, having a radius of 5,660.0 feet a distance of 267.7 feet (the chord of this arc bears N 89°02'03" W a distance of 267.7 feet);
3. Thence S 5°09'30" W a distance of 20.09 feet;
4. Thence along the arc of a curve to the left, having a radius of 5,680.0 feet a distance of 266.8 feet. (the chord of this arc bears S 89°02'30" E, a distance of 266.8 feet);
5. Thence N 78°03' E a distance of 124.8 feet;
6. Thence N 0°23'30" W a distance of 20.0 feet, more or less, to the point of beginning;

AND

Continued on next page
Continuation of

Beginning at a point 50 feet opposite Sta. 421+00;

1. Thence N 02°18'30" E a distance of 20.0 feet;
2. Thence along the arc of a curve to the right, having a radius of 5,660.0 feet, a distance of 281.5 feet, (the chord of this arc bears N 89°02'30" W, a distance of 281.5 feet);
3. Thence N 84°50'30" W, a distance of 165.1 feet;
4. Thence S 05°09'30" W, a distance of 20.0 feet;
5. Thence S 84°50'30" E, a distance of 165.1 feet;
6. Thence along the arc of a curve to the left, having a radius of 5,680.0 feet, a distance of 282.5 feet; (the chord of this arc bears S 89°02'30" E, a distance of 282.5 feet more or less, to the point of beginning.

PARCEL A-6:

That portion conveyed by deed recorded August 3, 1964, Book 2902, at Page 248, described as follows:

Beginning at the center of said Section 1; thence N 90°00'00" W on an assumed bearing along the East-West centerline of said Section 1 a distance of 30.00 feet to the true point of beginning; thence continuing along said line a distance of 324.12 feet; thence N 00°11'00" W along a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet; thence N 90°00'00" E on a line parallel to the East-West centerline of said Section 1 a distance of 324.12 feet; thence N 00°11'00" E on a line parallel to the North-South centerline of said Section 1 a distance of 672.00 feet to the true point of Beginning;

AND ALSO EXCEPT any portion thereof lying within the existing roadways known as East 160th Avenue/State Highway 7 and Tucson Street.

All in County of Adams, State of Colorado.

PARCEL B:

That part of the Northeast One-quarter Northwest One-quarter of Section 12, Township 1 South, Range 67 West of the 6th Principal Meridian, Adams County, Colorado, described as:

Beginning at the North quarter corner of said Section 2; thence S 00°17'15" E on an assumed bearing along the East line of said Northeast one-quarter

Continued on next page.
Continuation of Legal Description

Northwest One-quarter a distance of 77.30 feet to the true Point of Beginning, said point being a point on the South R.O.W. line of Colorado State Highway No. 7; thence Westerly along said South R.O.W. line as follows:

S 87°18'30" W, 52.80 feet; thence N 83°05'15" W, 123.10 feet to the beginning of a curve to the right, the delta of said curve is 5°33'00", the radius of said curve is 5780.00 feet, the chord of said curve bears N 87°18'30" W, 559.70 feet; thence along the arc of said curve a distance of 559.88 feet to the end of said curve; thence N 05°28'00" E a distance of 27.53 feet to a point on the North line of said Northeast one-quarter Northwest one-quarter; thence S 89°07'00" W along said North line a distance of 582.33 feet to the Northwest corner of said Northeast one-quarter Northwest one-quarter; thence S 00°18'40" E along the West line said Northeast one-quarter Northwest one-quarter a distance of 330.00 feet; thence S 53°12'55" E a distance of 1645.86 feet to the Southeast corner said Northeast one-quarter Northwest one-quarter; thence N 00°17'15" W along the East line of said Northeast one-quarter Northwest one-quarter a distance of 1258.52 feet to the true point of beginning.
SPECIAL WARRANTY DEED

THIS DEED, made this 21st day of December, 2010, between AGGREGATE INDUSTRIES-WCR, INC., a Colorado corporation, whose address is 1707 Cole Blvd., Suite 100, Golden, Colorado 80401, formerly known as CAMAS COLORADO, INC. ("Grantor"), and the CITY OF THORNTON, a Colorado municipal corporation, whose address is 9500 Civic Center Drive, Thornton, Colorado 80229 ("Grantee");

WITNESSETH, That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents, does grant, bargain, sell, convey and confirm, unto the Grantee, and its successors and assigns, forever, all the real property, together with improvements, if any, described as Lot 1, Tucson Resources Subdivision, County of Adams, State of Colorado, except (i) real property taxes and assessments for the year of the Closing and subsequent years, (ii) building, zoning and other applicable ordinances and regulations, and (iii) easements, reservations, restrictions, licenses and other matters of record;

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversions and reversionary, remainder or remainders, rents, issues, and profits thereof; and all the estate, title, interest, claim and demand whatsoever of the Grantor either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee its successors and assigns forever. The Grantor for itself and successors does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession, possession of the Grantee, its successors and assigns against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor.

This transaction is undertaken in lieu of the City of Thornton acquiring title through the exercise of its powers of eminent domain.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

AGGREGATE INDUSTRIES-WCR, INC.

STATE OF COLORADO
COUNTY OF ADAMS

by
Michael C. Refer, Regional Manager

The foregoing instrument duly acknowledged before me, a Notary Public, by Michael C. Refer, Regional Manager of Aggregate Industries-WCR, Inc., formerly known as CAMAS, Inc., on December 27, 2010, as a Colorado Corporation, in and for the State of Colorado. My commission expires:

[Notary Public Seal]

My Commission Expires 10/05/2014

[ SEAL ]
THIS DEED, made this 21st day of December, 2010, between AGGREGATE INDUSTRIES-WCR, INC., a Colorado corporation, whose address is 1707 Cole Blvd., Suite 100, Golden, Colorado 80401, formerly known as CAMAS COLORADO, INC. ("Grantor"), and the CITY OF THORNTON, a Colorado municipal corporation, whose address is 9500 Civic Center Drive, Thornton, Colorado 80229 ("Grantee"): WITNESSETH, That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents, does grant, bargain, sell, convey and confirm, unto the Grantee, and its successors and assigns, forever, all the real property, together with improvements, if any, described as Lot 1, Tucson Resources Subdivision, County of Adams, State of Colorado, except (i) real property taxes and assessments for the year of the Closing and subsequent years, (ii) building, zoning and other applicable ordinances and regulations, and (iii) easements, reservations, restrictions, licenses and other matters of record; TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder or remainders, rents, issues, and profits thereof; and all the estate, title, interest, claim and demand whatsoever of the Grantor either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances; TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto the Grantee its successors and assigns forever. The Grantor for itself and successors does covenant and agree that it shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the Grantee, its successors and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the Grantor. This transaction is undertaken in lieu of the City of Thornton acquiring title through the exercise of its powers of eminent domain. IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above. AGGREGATE INDUSTRIES-WCR, INC. By: Michael C. Refer, Regional Manager STATE OF COLORADO ) ) ss. COUNTY OF ADAMS ) ) ss. The foregoing instrument duly acknowledged before me, a Notary Public, by Michael C. Refer, Regional Manager of Aggregate Industries-WCR, Inc., formerly known as CAMAS, Inc. on December 20, 2010. *a Colorado Corporation *an official seal. My commission expires: 12/20/10 Tucson/Rogers
EXHIBIT O

OWNERS OF RECORD OF AFFECTED LAND (SURFACE) AND OWNERS OF SUBSTANCE TO BE MINED
EXHIBIT O

Owners of Record of Affected Land (Surface Area) and Owners of Substance to be Mined

**Surface Ownership**

<table>
<thead>
<tr>
<th>Aggregate Industries-WCR, Inc.</th>
<th>City of Aurora</th>
</tr>
</thead>
<tbody>
<tr>
<td>1687 Cole Blvd, Suite 300</td>
<td>15151 East Alameda Parkway, Suite 3600</td>
</tr>
<tr>
<td>Golden, Colorado 80401</td>
<td>Aurora, Colorado 80012</td>
</tr>
</tbody>
</table>

| City of Thornton               | Adams County c/o Department of Public Works |
| 9500 Civic Dr                  | 4955 E 74th Ave, Commerce City, CO 80022 |
| Thornton Co 80229-4326         |                                             |

**Owners of Substance to be Mined:**

<table>
<thead>
<tr>
<th>Aggregate Industries-WCR, Inc.</th>
<th>City of Aurora</th>
</tr>
</thead>
<tbody>
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<td>Aurora, Colorado 80012</td>
</tr>
</tbody>
</table>

Also see Exhibit C, Pre-Mining Maps.

**Owners of Interest, Easement Holders, within the project site; as identified in Title Commitments by Empire Title:**

<table>
<thead>
<tr>
<th>Adams County</th>
<th>Mineral Owners and Lessees</th>
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</thead>
<tbody>
<tr>
<td>Associated Natural Gas</td>
<td>Aggregate Industries-WCR, Inc.</td>
</tr>
<tr>
<td>Beverly Getz</td>
<td>City of Aurora</td>
</tr>
<tr>
<td>Brantner Ditch Company</td>
<td>David L. Morrison &amp; Penelope E. Morrison</td>
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<td>Brighton Ditch Company</td>
<td>Estate of Joseph C. Stone, a/k/a Joseph Carl Stone, Deceased, c/o Joseph J. Stone</td>
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<tr>
<td>Carl Seltzer and RV Carlson</td>
<td>Great Western Operating Company, LLC</td>
</tr>
<tr>
<td>Charles S. Davis and Alma G. Davis</td>
<td>Haake Farms, Inc.</td>
</tr>
<tr>
<td>City of Westminster</td>
<td>Grizzly Petroleum Company, LLC</td>
</tr>
<tr>
<td>Great Western Operating Company LLC</td>
<td>Kerr-McGee Oil &amp; Gas Onshore, LP</td>
</tr>
<tr>
<td>Haake Farms Inc.</td>
<td>Leonard C. Leon &amp; Lydia E. Leon, as joint tenants</td>
</tr>
<tr>
<td>Jack Alden Seltzer</td>
<td>Margaret Sorenson</td>
</tr>
<tr>
<td>Mary Ann and the Estate of John L. Kloefkorn et al</td>
<td>Mark Samford</td>
</tr>
<tr>
<td>Joseph C Stone and Virginal R Stone</td>
<td>Mary Ann Kloefkorn &amp; the Estate of John L. Kloefkorn, deceased</td>
</tr>
<tr>
<td>Leonard C Leon and Antoinette J Leon</td>
<td>Mary Hogue</td>
</tr>
<tr>
<td>Mountain View Water Users Association</td>
<td>Richard L. Getz &amp; Beverly L. Getz</td>
</tr>
<tr>
<td>Panhandle Eastern Pipeline Company (Kerr McGee Gathering, Inc.)</td>
<td>Royalty Asset Holdings, LP</td>
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<td>Public Service Company of Colorado (Xcel Energy, Inc.)</td>
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<tr>
<td>Richard Getz et al</td>
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<td>Robert Seltzer Family Trust</td>
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<td>Seltzer Farms Inc.</td>
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<td>Todd Creek Farms Metropolitan District No. I</td>
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<td>TS Pace</td>
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<tr>
<td>Union Pacific RR</td>
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<tr>
<td>Union Rural Electric Association (United Power, Inc.)</td>
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<tr>
<td>Urban Drainage and Flood Control District</td>
<td></td>
</tr>
</tbody>
</table>
EXHIBIT P
MUNICIPALITIES WITHIN TWO MILES
EXHIBIT P

Municipalities Within Two Miles

City of Brighton
500 S. 4th Avenue
Brighton, Colorado 80601
EXHIBIT Q

PROOF OF MAILING NOTICE TO THE COUNTY COMMISSIONERS AND CONSERVATION DISTRICT
EXHIBIT Q

Proof of Mailing of Notices to County Commissioners and Conservation District

See attached
U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Certified Mail Fee $3.45 0254

Postage $0.50 11/20/2018

Total Postage and Fees $3.95

Sent To

Adams County Commissioners
4430 S. Adams County PKWY.
5TH FLOOR, SUITE 5000A
Brighton, CO 80601

5 Form 3800, April 2015
See Reverse for Instructions
EXHIBIT R
PROOF OF FILING WITH COUNTY CLERK AND RECORDER
EXHIBIT R

Proof of Filing with County Clerk or Recorder

See attached.
EXHIBIT S

PERMANENT MAN-MADE STRUCTURES
EXHIBIT S

Permanent Man-Made Structures

The applicant, Aggregate Industries-WCR, Inc. believes that the mining operation, as proposed, will not adversely affect any of the permanent, man-made structures located within 200 feet of the affected area. The recommended distance limits of mining excavation is addressed in the Geotechnical Stability Exhibit.

Structures within 200 feet of the affected land shown on Exhibit C Pre-Mining Maps are listed below.

<table>
<thead>
<tr>
<th>STRUCTURE ID</th>
<th>STRUCTURE DESCRIPTION</th>
<th>OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>FENCE</td>
<td>CITY OF AURORA</td>
</tr>
<tr>
<td>A-2</td>
<td>FENCES LOCATED ON PROPERTY</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<tr>
<td>A-3</td>
<td>WW-62</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<tr>
<td>A-4</td>
<td>WW-10</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
<tr>
<td>A-5</td>
<td>PUMP HOUSE, WELL &amp; WATERLINE</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
<tr>
<td>A-6</td>
<td>IRRIGATION DITCH</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
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<td>A-7</td>
<td>IRRIGATION LATERALS</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<td>A-8</td>
<td>IRRIGATION LATERALS</td>
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<td>A-9</td>
<td>WW-64</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<td>A-10</td>
<td>WW-38</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
<tr>
<td>A-11</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
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<tr>
<td>A-12</td>
<td>WW-12</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<td>WW-13</td>
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<td>WW-63</td>
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<td>WW-18</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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<tr>
<td>A-18</td>
<td>PRIVATE RESIDENCE</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
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</table>

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<tr>
<th>STRUCTURE ID</th>
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<th>OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-1</td>
<td>OIL AND GAS FACILITY, WELL, APPERTENANCES, AND FENCE</td>
<td>GREAT WESTERN OPERATING COMPANY, LLC</td>
</tr>
<tr>
<td>B-2</td>
<td>GAS LINE</td>
<td>GREAT WESTERN OPERATING COMPANY, LLC</td>
</tr>
<tr>
<td>B-3</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>PUBLIC SERVICE CO. OF COLO.</td>
</tr>
<tr>
<td>B-4</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>PUBLIC SERVICE CO. OF COLO.</td>
</tr>
<tr>
<td>B-5</td>
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<td>PUBLIC SERVICE CO. OF COLO.</td>
</tr>
<tr>
<td>B-6</td>
<td>ELECTRICAL SUBSTATION</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-7</td>
<td>WATERLINE</td>
<td>CITY OF AURORA</td>
</tr>
<tr>
<td>B-8</td>
<td>NUMBER INTENTIONALLY NOT USED</td>
<td>N/A</td>
</tr>
<tr>
<td>B-9</td>
<td>BRIGHTON DITCH</td>
<td>BRIGHTON DITCH COMPANY</td>
</tr>
<tr>
<td>STRUCTURE ID</td>
<td>STRUCTURE DESCRIPTION</td>
<td>OWNER</td>
</tr>
<tr>
<td>--------------</td>
<td>---------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>B-10</td>
<td>BRIGHTON DITCH RETURN FLOW</td>
<td>BRIGHTON DITCH COMPANY</td>
</tr>
<tr>
<td>B-11</td>
<td>CHALLENGER RESERVOIR</td>
<td>CITY OF AURORA</td>
</tr>
<tr>
<td>B-12</td>
<td>PRIVATE RESIDENCE</td>
<td>DELORES BAKER, APRIL AND BRETT BAKER</td>
</tr>
<tr>
<td>B-13</td>
<td>SHARED ACCESS</td>
<td>KATHLEEN BLOOM, DELORES, APRIL &amp; BRETT BAKER, CITY OF AURORA</td>
</tr>
<tr>
<td>B-14</td>
<td>PRIVATE RESIDENCE AND OUTBUILDINGS</td>
<td>KATHLEEN BLOOM</td>
</tr>
<tr>
<td>B-15</td>
<td>TELEPHONE LINE</td>
<td>CENTURY LINK</td>
</tr>
<tr>
<td>B-16</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC INC</td>
</tr>
<tr>
<td>B-17</td>
<td>GAS LINE</td>
<td>XCEL</td>
</tr>
<tr>
<td>B-18</td>
<td>UNDERGROUND ELECTRIC</td>
<td>UNITED POWER INC INC</td>
</tr>
<tr>
<td>B-19</td>
<td>WATERLINE</td>
<td>TODD CREEK FARMS METROPOLITAN DIST. NO. 1</td>
</tr>
<tr>
<td>B-20</td>
<td>FENCE</td>
<td>COLORADO DEPARTMENT OF TRANSPORTATION</td>
</tr>
<tr>
<td>B-21</td>
<td>FENCE</td>
<td>COLORADO DEPARTMENT OF TRANSPORTATION</td>
</tr>
<tr>
<td>B-22</td>
<td>CO STATE HIGHWAY 7</td>
<td>COLORADO DEPARTMENT OF TRANSPORTATION</td>
</tr>
<tr>
<td>B-23</td>
<td>GAS LINE</td>
<td>XCEL</td>
</tr>
<tr>
<td>B-24</td>
<td>TELEPHONE LINE</td>
<td>CENTURY LINK</td>
</tr>
<tr>
<td>B-25</td>
<td>TUCSON STREET</td>
<td>ADAMS COUNTY</td>
</tr>
<tr>
<td>B-26</td>
<td>GAS LINE</td>
<td>XCEL</td>
</tr>
<tr>
<td>B-27</td>
<td>WATERLINE</td>
<td>TODD CREEK FARMS METROPOLITAN DIST. NO. 1</td>
</tr>
<tr>
<td>B-28</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-29</td>
<td>FENCE</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
<tr>
<td>B-30</td>
<td>FENCE</td>
<td>CITY OF AURORA</td>
</tr>
<tr>
<td>B-31</td>
<td>TELEPHONE LINE</td>
<td>CENTURY LINK</td>
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<tr>
<td>B-32</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-33</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-34</td>
<td>UNDERGROUND ELECTRIC</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-35</td>
<td>FENCE</td>
<td>SAN MARTIN CABALLERO, LLC</td>
</tr>
<tr>
<td>B-36</td>
<td>RIVERBANK STABILIZATION</td>
<td>URBAN DRAINAGE AND FLOOD CONTROL DISTRICT</td>
</tr>
<tr>
<td>B-37</td>
<td>RIVERBANK STABILIZATION</td>
<td>URBAN DRAINAGE AND FLOOD CONTROL DISTRICT</td>
</tr>
<tr>
<td>B-38</td>
<td>HIGHWAY 7 BRIDGE</td>
<td>COLORADO DEPARTMENT OF TRANSPORTATION</td>
</tr>
<tr>
<td>B-39</td>
<td>THORNTON RESERVOIR</td>
<td>CITY OF THORNTON</td>
</tr>
<tr>
<td>B-40</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
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<td>B-41</td>
<td>OVERHEAD ELECTRIC WITH POWER POLES</td>
<td>UNITED POWER INC</td>
</tr>
<tr>
<td>B-42</td>
<td>168TH STREET</td>
<td>ADAMS COUNTY</td>
</tr>
<tr>
<td>B-43</td>
<td>WATERLINE, WELL, PUMP HOUSE &amp; APPURTEINANCES</td>
<td>TODD CREEK FARMS METROPOLITAN DIST. NO. 1</td>
</tr>
<tr>
<td>B-44</td>
<td>GUARDRAIL</td>
<td>COLORADO DEPARTMENT OF TRANSPORTATION</td>
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<td>B-45</td>
<td>UNDERGROUND ELECTRIC</td>
<td>UNITED POWER, INC.</td>
</tr>
<tr>
<td>B-46</td>
<td>UNDERGROUND ELECTRIC</td>
<td>TODD CREEK FARMS METROPOLITAN DIST. NO. 1</td>
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<td>STRUCTURE DESCRIPTION</td>
<td>OWNER</td>
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<tr>
<td>--------------</td>
<td>----------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>B-47</td>
<td>PRIVATE RESIDENCE AND OUT BUILDINGS</td>
<td>FERNANDO DE LA CRUZ</td>
</tr>
<tr>
<td>B-48</td>
<td>PRIVATE RESIDENCE AND OUT BUILDINGS</td>
<td>FERNANDO ARMANDO DE LA CRUZ BRECEDA</td>
</tr>
<tr>
<td>B-49</td>
<td>OIL AND GAS FACILITY</td>
<td>GREAT WESTERN OPERATING COMPANY, LLC</td>
</tr>
<tr>
<td>B-50</td>
<td>ACCESS ROAD</td>
<td>AGGREGATE INDUSTRIES WCR, INC.</td>
</tr>
<tr>
<td>B-51</td>
<td>PRIVATE RESIDENCE AND OUT BUILDINGS</td>
<td>CHRISTOFER MUHLER</td>
</tr>
</tbody>
</table>
RULE 6.5

GEOTECHNICAL STABILITY EXHIBIT
This memo presents the results of the updated stability modeling for the proposed Tucson South Resource aggregate mine (Tucson South) based on the updated factors of safety accepted by the Division of Reclamation, Mining and Safety Minerals Program (DRMS) on May 16, 2018. The memo describes the methods and results of an analysis conducted to evaluate the minimum distance between the proposed mine limits and surrounding critical structures to avoid damage to the structures per the Mine Land Reclamation Board (MLRB) Construction Materials Rules 6.3.12(b) and 6.4.19(b) and the memorandum from the DRMS dated May 16, 2018.

1.0 SITE LAYOUT

The proposed site is approximately 250 acres, located a half-mile from the City of Brighton, Colorado. The site lies within the south half of Section 1 and the northwest quarter of Section 12 in Township 1 South, Range 67, West of the 6th Principal Meridian. Land use around the site is aggregate mining, residential, and agricultural. Tucson Street separates the proposed East and West Pits of the mine. Colorado Highway 7 (E 160th Avenue) separates the proposed East and West Pits from the proposed Southwest Pit. The South Platte River forms the eastern border for the proposed East Pit and the Brighton Ditch forms the western border of the proposed West Pit.

Figure 1 shows the proposed mine boundaries and slurry wall alignments. The proposed slurry wall will be constructed around the perimeter of the East and West Pits. The slurry wall will cross Tucson Street in two places:

1) Along the northern boundary of the East and West Pits
2) Along the southern boundary of the East and West Pits. No slurry wall will be constructed around the Southwest Pit. The Southwest Pit will be mined via wet mining.

2.0 GEOLOGY

The site is in the alluvial valley of the South Platte River. Geologic mapping indicates that the mine is located on an alluvial terrace corresponding with the Piney Creek and Post Piney Creek alluvium. The bedrock underlying the alluvium may be the Arapahoe Formation, which consists of claystone and sandstones.

A total of 130 boreholes have been drilled on the site. Drilling logs indicate the general subsurface profile consists of an average of three feet (one to ten feet) of silty sand overburden, overlying an average of 23 feet (five to 46 feet) of sand and gravel, overlying a claystone bedrock. A mud lens is present in the area, mainly in the West and Southwest Pits of the proposed mine.

References:
Groundwater was encountered while drilling in 2004 at depths between eight and 12 feet below the ground surface. Monitoring well readings from December 2003 to August 2004 have water levels between four and 16 feet below ground surface.

### 3.0 PREVIOUS EVALUATIONS

A similar evaluation was completed for the Tucson South mine in November 2004\(^3\). The evaluation used the (previously required) factor of safety value of 1.0 and analyzed a total of 14 critical structures surrounding the Tucson South Resource footprint. No seismic analysis was conducted. A mud lens was modeled in each section. The analysis found that several of the minimum mining setbacks needed to be increased to meet the minimum required factor of safety of 1.0. The previous evaluation was used as a basis for this evaluation.

### 4.0 STABILITY ANALYSIS

The stability analysis was conducted using GeoStudio 2012 (\textit{Slope/W Define}) computer software\(^4\). The software is capable of computing factors of safety for a range of materials using finite element analysis. Spencer’s method of slices\(^5\) was used to calculate the safety factor for the individual failure surfaces.

Several assumptions were made for the models including:

- Surficial geology was modeled based on stability models and borehole data from 2004.
- Geologic layers are horizontal in the subsurface.
- The West and East pits will be mined after the slurry wall is installed and will be dewatered as needed.
- The slurry wall will be built around the perimeter of the East and West Pits, crossing Tucson Street on the north and south ends. No slurry wall will divide the East and West Pits.
- The slurry wall will be keyed six feet into bedrock.
- No significant berms of stockpiled materials would be placed on the surface.

#### 4.1 ANALYZED SECTIONS

Critical structures within 200 feet of proposed disturbance were modeled. A critical structure is defined by the DRMS as a structure that poses a potential human safety risk, major environmental impact, and major repair cost if the slope were to fail\(^1\). No critical structures were analyzed for the Southwest Pit since the pit will be mined via wet mining and the slopes will not be vertical. Also, contrary to the previous stability modeling effort, a mud lens was not modeled in each section. Seven critical structures were identified within 200 feet of the proposed Tucson South, East, and West Pit mine boundaries:

- Tucson St.
- Colorado Highway 7 (E 160\(^{th}\) Avenue)
- Power poles to the west of the proposed West Pit boundary
- South Platte River
- Gas well to the west of the proposed West Pit boundary
- Pipeline north of the proposed mine boundary
- Brighton Ditch

---


A total of eight sections were evaluated for the critical structures as follows and as shown in Figure 1. For all sections, the groundwater level on the pit side of the slurry wall was modeled at the base of the pit.

**Section 1 – Tucson St. Setback from the West Mine Pit**
Section 1, (static analysis Figure 2, seismic analysis Figure 3) evaluated the proposed setback for Tucson St. from the West Pit boundary. A 500 psf load is applied to the road to represent live traffic loads. A mud lens is present based on previous studies in the area\(^6\). No slurry wall is modeled, and the area is assumed to be dewatered by the slurry walls surrounding the property.

**Section 2 – Tucson St. Setback from the East Mine Pit**
Section 2 (static analysis Figure 4, seismic analysis Figure 5) evaluated the proposed setback for Tucson St. from the East Pit boundary. A 500 psf load is applied to the road to represent live traffic loads. No mud lens is modeled based on previous studies in the area\(^6\). No slurry wall is modeled, and the area is assumed to be dewatered by the slurry walls surrounding the property.

**Section 3 – South Platte River**
Section 3 (static analysis Figure 6, seismic analysis Figure 7) evaluated the proposed setback for the South Platte River from the East Pit boundary. The section where the South Platte River came closest to the proposed mine boundary was modeled. In general, the South Platte River is greater than 200 feet away from the proposed mine boundary. A mud lens is not modeled based on previous studies in the area\(^6\). The proposed slurry wall is modeled, and the area is assumed to have a groundwater table approximately three feet below ground surface on the east side of the slurry wall. Offset regulations may dictate the location of the slurry wall and the mine extents.

**Section 4 – Pipeline North of the Proposed Mine Boundary**
Section 4 (static analysis Figure 8, seismic analysis Figure 9) evaluated the proposed setback for the pipeline north of the proposed East and West Pit boundaries. A mud lens is not modeled based on previous studies in the area\(^6\). The proposed slurry wall is modeled. The groundwater table on the north side of the slurry wall was modeled at approximately six feet below ground surface.

**Section 5 – Gas Well West of the Proposed West Pit Boundary**
Section 5 (static analysis Figure 10, seismic analysis Figure 11) evaluated the proposed setback for the gas well to the west of the proposed West Pit boundary. A mud lens is modeled based on previous studies in the area\(^6\). The aggregate layer is noticeably thinner in this area. The weight of the gas well is simulated by a 3,000 psf load. The proposed slurry wall is also modeled. The water table on the west side of the slurry wall was modeled at approximately seven feet below ground surface.

**Section 6 – Power Poles to the West of the Proposed West Pit Boundary**
Section 6 (static analysis Figure 12, seismic analysis Figure 13) evaluated the proposed setback for the power poles to the west of the proposed West Pit boundary. The closest power pole to the proposed mine boundary was modeled. A mud lens is not modeled based on previous studies in the area\(^6\). The proposed slurry wall is modeled. Groundwater on the west side of the slurry wall was modeled to be approximately two to five feet below the ground surface since the Brighton Ditch is also in the vicinity.

**Section 7 – Brighton Ditch**
Section 7 (static analysis Figure 14, seismic analysis Figure 15) evaluated the proposed setback for the Brighton Ditch to the west of the proposed West Pit boundary. The section of the ditch closest to the proposed mine boundary was modeled. The proposed slurry wall is modeled. Groundwater on the west side of the slurry wall was modeled to be approximately one to three feet below the ground surface. A mud lens is not modeled based on previous studies in the area\(^6\).

**Section 8 – Highway 7**
Section 8 (static analysis Figure 16, seismic analysis Figure 17) evaluated the proposed setback for Highway 7 to the south of the proposed East and West Pit boundaries. A mud lens is not modeled based on previous studies in the area\(^6\). The proposed slurry wall is modeled, and the water table is assumed to be approximately 15.5 feet below ground surface on the south side of the slurry wall. A 500 psf load is modeled to simulate traffic on the highway.

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4.2 INPUT PARAMETERS

Each section was modeled to resemble the existing site topography. Material thicknesses were modeled based on previous drilling on the site. In general, the sand and gravel were thinner on the west side of the site. The materials were assumed to be horizontal in the subsurface. A three-foot thick weathered claystone bedrock was modeled based on a letter from Allen Sorenson to Kate Pickford dated March 6, 2003\(^7\). The sections modeled should not be used as an estimation of the aggregate resource.

The input parameters for each of the materials used were those required for the 2004 analysis and are based on a memo from Allen Sorenson to Larry Oehler, dated August 29, 2004\(^8\). The material properties are presented in Table 1. All materials were modeled using the Mohr/Coulomb framework.

### Table 1: Material parameters used in the slope stability models\(^8\).

<table>
<thead>
<tr>
<th>Material</th>
<th>Moist Unit Weight (pcf)</th>
<th>Saturated Unit Weight (pcf)</th>
<th>Effective Cohesion c’ (psf)</th>
<th>Effective Friction Angle φ’ (degrees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overburden</td>
<td>114</td>
<td>126</td>
<td>50</td>
<td>28</td>
</tr>
<tr>
<td>Sand &amp; Gravel</td>
<td>130</td>
<td>137</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>124</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>Claystone Bedrock (peak strength)</td>
<td>124</td>
<td>134</td>
<td>100</td>
<td>28</td>
</tr>
<tr>
<td>Mud Lens</td>
<td>114</td>
<td>126</td>
<td>50</td>
<td>28</td>
</tr>
<tr>
<td>Slurry Wall</td>
<td>110</td>
<td>122</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

\(^*\text{pcf}= \text{pounds per cubic foot}; \text{psf}= \text{pounds per square foot}\)

A seismic analysis was also conducted for each of the sections. The seismic analysis accounts for the effects of horizontal acceleration experienced during an earthquake. The horizontal acceleration used was 0.067 g. The value was obtained from a U.S. Seismic Design map of the area\(^9\). The U.S. Seismic Design Maps program considers the soil classification and location of the site. For the Tucson South site, Site Class D – Stiff Soil was used.

Other applicable DRMS requirements that were used are as follows:
- Highwalls were modeled as vertical slopes.
- The minimum factor of safety for the static analysis is 1.5.
- The minimum factor of safety for the seismic analysis is 1.3.

The scenarios were modeled with entry/exit geometry for currently proposed setbacks. The setbacks were adjusted as needed to reach the minimum required factor of safety in each case.

4.3 MODEL RESULTS

The model results are given in Table 2. The setbacks listed are the minimum setbacks required. Resulting sections from the model are presented as Figures 2 through 17.

<table>
<thead>
<tr>
<th>Section</th>
<th>Structure</th>
<th>Mud Lens (Y/N)</th>
<th>Static Factor of Safety</th>
<th>Seismic Factor of Safety</th>
<th>Required Setbacks Based on Model Results (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tucson St. (from West Pit)</td>
<td>Y</td>
<td>1.5 - 1.6</td>
<td>1.3 - 1.4</td>
<td>75</td>
</tr>
<tr>
<td>2</td>
<td>Tucson St. (from East Pit)</td>
<td>N</td>
<td>1.6 – 1.7</td>
<td>1.3 – 1.4</td>
<td>75</td>
</tr>
<tr>
<td>3</td>
<td>South Platte River</td>
<td>N</td>
<td>1.5 – 1.6</td>
<td>1.3 – 1.4</td>
<td>90</td>
</tr>
<tr>
<td>4</td>
<td>Water Pipeline</td>
<td>N</td>
<td>1.5 – 1.6</td>
<td>1.3 – 1.4</td>
<td>110</td>
</tr>
<tr>
<td>5</td>
<td>Gas Well</td>
<td>Y</td>
<td>1.8 – 1.9</td>
<td>1.3 – 1.4</td>
<td>70</td>
</tr>
<tr>
<td>6</td>
<td>Power Pole</td>
<td>N</td>
<td>1.5 – 1.6</td>
<td>1.4 – 1.5</td>
<td>150</td>
</tr>
<tr>
<td>7</td>
<td>Brighton Ditch</td>
<td>N</td>
<td>1.6 – 1.7</td>
<td>1.3 – 1.4</td>
<td>160</td>
</tr>
<tr>
<td>8</td>
<td>Highway 7 (from closest mine limits to road)</td>
<td>N</td>
<td>1.7 – 1.8</td>
<td>1.3 – 1.4</td>
<td>85</td>
</tr>
</tbody>
</table>

5.0 LIMITATIONS

The findings presented in this Report are based on previous studies of the site and strength parameters for the various materials modeled provided by the Colorado Division of Minerals and Geology in 2004. Tetra Tech should be contacted if the mining plans change or if the subsurface conditions vary from their portrayal in this study to reevaluate the potential effects of any changes on the factors of safety for the critical structures. Factors of safety were only considered at the critical structure and were not considered close to the highwall.

Please do not hesitate to reach out with any questions or comments.

Sincerely,

Michelle Franke, EI
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1560 Broadway, Suite 1400
Denver, CO 80202
720-931-9307
michelle.franke@tetratech.com

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Geotechnical and Dams Group Leader
Tetra Tech
1560 Broadway, Suite 1400
Denver, CO 80202
720-931-9344
justin.stoeber@tetratech.com
FIG-2

WEST SIDE TUCSON STREET STABILITY SECTION

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

TUCSON STREET APPLIED LOAD 500 psf

APPLIED LOAD 500 psf

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

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CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

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MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

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SAND & GRAVEL

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SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

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SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

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MUD LENS

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WEATHERED CLAYSTONE BEDROCK

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MUD LENS

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WEATHERED CLAYSTONE BEDROCK

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MUD LENS

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WEATHERED CLAYSTONE BEDROCK

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WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

WEATHERED CLAYSTONE BEDROCK

OVERBURERN
WEATHERED CLAYSTONE BEDROCK

SAND & GRAVEL

WEATHERED CLAYSTONE BEDROCK

SAND & GRAVEL

CLAYSTONE BEDROCK

OVERBURDEN

TUCSON STREET
APPLIED LOAD: 500 psf

APPLIED LOAD: 500 psf
FIG-5

WEATHERED CLAYSTONE BEDROCK

APPLIED LOAD: 500 psf

OVERBURDEN

SAND & GRAVEL

TUCSON STREET

WEATHERED CLAYSTONE BEDROCK

SAND & GRAVEL

CLAYSTONE BEDROCK
WEATHERED CLAYSTONE BEDROCK

OVERBURDEN

SOUTH PLATTE RIVER

SAND & GRAVEL

CLAYSTONE BEDROCK

Safety Map
- 0.2 - 0.3
- 0.3 - 0.4
- 0.4 - 0.5
- 0.5 - 0.6
- 0.6 - 0.7
- 0.7 - 0.8
- 0.8 - 0.9
- 0.9 - 1.0
- 1.0 - 1.1
- 1.1 - 1.2
- 1.2 - 1.3
- 1.3 - 1.4

FIG-7
GAS WELL
APPLIED LOAD: 3000 psf

OVERBURDEN

SAND & GRAVEL

MUD LENS

SAND & GRAVEL

CLAYSTONE BEDROCK

SLURRY WALL

WEATHERED CLAYSTONE BEDROCK

Safety Map
- 0.5 - 0.6
- 0.6 - 0.7
- 0.7 - 0.8
- 0.8 - 0.9
- 0.9 - 1.0
- 1.0 - 1.1
- 1.1 - 1.2
- 1.2 - 1.3
- 1.3 - 1.4

1.3

APPLIED LOAD: 3000 psf

APPLIED LOAD: 3000 psf

WEATHERED CLAYSTONE BEDROCK
FIG-12
SECTION 6
POWER POLES
STABILITY SECTION

WEATHERED CLAYSTONE BEDROCK
SLURRY WALL
OVERBURDEN
CLAYSTONE BEDROCK
SAND & GRAVEL
POWER POLE

Safety Map
- 1.0 - 1.1
- 1.1 - 1.2
- 1.2 - 1.3
- 1.3 - 1.4
- 1.4 - 1.6
- 1.5 - 1.6

Copyright: Tetra Tech
FIG-16

SECTION 8
HIGHWAY 7
STABILITY SECTION

APPLIED LOAD: 500 psf

OVERBURDEN
SAND & GRAVEL
CLAYSTONE BEDROCK
WEATHERED CLAYSTONE BEDROCK

Safey Map
0.1 - 0.3
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1.0
1.0 - 1.1
1.1 - 1.2
1.2 - 1.3
1.3 - 1.4
1.4 - 1.5
1.5 - 1.6
1.6 - 1.7
1.7 - 1.8

HIGHWAY 7
The memo describes the updated analysis performed to evaluate the minimum setback distance between the proposed mine limit and identified critical manmade structures near the site as required per the Mine Land Reclamation Board (MLRB) Construction Materials Rules 6.3.12(b) and 6.4.19(b) and the memorandum from the DRMS dated May 16, 2018. This slope stability analysis was not performed to evaluate the stability of highwalls, proposed mine slopes, proposed reclamation slopes, or infrastructure owned by Aggregate Industries. The setbacks reported in this memo represent the minimum setback based on the physical and geotechnical input parameters for each model. The required setback may be greater based on regulatory requirements.

1.0 SITE LAYOUT

The Tucson South Mine is comprised of approximately 250 acres, located a half-mile west of the City of Brighton, Colorado. The site lies within the south half of Section 1 and the northwest quarter of Section 12 in Township 1 South, Range 67, West of the 6th Principal Meridian. Land use around the site is aggregate mining, residential, and agricultural. Tucson Street, a paved north-south road, bisects the proposed East and West Pits of the mine. Colorado Highway 7 (E 160th Avenue) separates the proposed East and West Pits from the proposed Southwest Pit. The South Platte River forms the eastern border for the proposed mine and the Brighton Ditch forms the western border of the proposed mine.

2.0 GEOLOGY

The site is in the alluvial valley of the South Platte River. Geologic mapping indicates that the mine is located on an alluvial terrace corresponding with the Piney Creek and Post Piney Creek alluvium. The bedrock underlying the alluvium may be the Arapahoe Formation, which consists of claystone and sandstones.

A total of 130 boreholes have been drilled on the site. Drilling logs indicate the general subsurface profile consists of an average of three feet (one to ten feet) of silty sand overburden, overlying an average of 23 feet (five to 46 feet) of sand and gravel, overlying the bedrock. A mud lens was found in the area, mainly in the West and Southwest Pits of the proposed mine. Groundwater was encountered while drilling in 2004 at depths between eight and 12 feet below the ground surface. Monitoring well readings from December 2003 to August 2004 have water levels between four and 16 feet below ground surface.

---

3.0 PREVIOUS EVALUATIONS

A slope stability evaluation was performed by Tetra Tech for the Tucson South mine in November 2004. The evaluation used the (previously required) required minimum factor of safety value of 1.0 and analyzed sections for a total of 14 critical structures surrounding the Tucson South mine. A seismic analysis was not required by the DRMS as part of the slope stability analysis in 2004. The 2004 evaluation was used as the basis for an updated slope stability analysis performed by Tetra Tech in 2018.

In preparation of an amendment to the Tucson South permit application in 2018 Tetra Tech performed an updated slope stability analysis. Critical structures within 200 feet of the mine in 2018 were reevaluated and seven manmade structures were identified as requiring slope stability analysis. A memorandum dated November 9, 2018 describes the results of the analysis that was prepared and submitted to Aggregate Industries for their use.

A slope stability analysis performed in February of 2019 to determine required minimum setbacks from permanent manmade structures around the Tucson South Mine if mine highwalls were excavated at a slope of 0.5H:1V and not reclamation slopes were not constructed concurrently.

4.0 STABILITY ANALYSIS JUNE 2019

This updated stability analysis was performed using GeoStudio 2018 (Slope/W Define) computer software. The software is capable of computing factors of safety for a range of materials using finite element analysis. Spencer’s method of slices was used to calculate the safety factor for the individual failure surfaces.

Several assumptions were made for the models including:
- Surficial geology was modeled based on stability models and borehole data from 2004.
- Geologic layers are generally horizontal in the subsurface.
- The highwall will be concurrently reclaimed, or mined only at 3H:1V slopes
- The West and East pits will be mined after the slurry wall is installed and will be dewatered as needed.
- The slurry wall (designed by others) will be keyed into bedrock.
- No excess pore pressure build up will occur within the soil strata.
- No slurry wall will be constructed around the South pit.
- The South pit will be wet mined.
- The slurry wall is setback a minimum of 20 feet from the crest of the mine slope/reclamation slope.
- The slurry wall will be constructed a minimum of 15 feet from any structure or easement.

Both a reclamation slope and a mine slope were considered during this stability analysis for each section analyzed in February 2018. A reclamation slope is a slope built of fill material, typically overburden found at the site, used to stabilize the mine highwall. A mine slope is a slope cut at a stable grade leaving the native material in place. The grade modeled for both the reclamation slope and the mine slope was a 3H:1V. The highwall, from the February study, is assumed to be 0.5H:1V.

---

4.1 ANALYZED SECTIONS

Critical manmade structures within 200 feet of proposed mining were modeled during this evaluation. A critical structure is defined by the DRMS as a manmade structure that poses a potential human safety risk, major environmental impact, and major repair cost if the slope were to fail. A mud lens was modeled in sections evaluated where a mud lens was present at the site based on borehole information prepared for the 2004 evaluation. The cross sections and profiles were created using Figures 1 to 6. These figures show the proposed site layout and locations to critical structures, easements, and the topography in the area. Sections were created at each of the critical structures in the vicinity, and the estimated depth to bedrock from the subsurface study was used to create the profile for the slope stability analysis. The eleven (11) critical manmade structures were identified within 200 feet of the proposed Tucson South, East, and West Pit mine boundaries were:

- Tucson St.
- Colorado Highway 7 (E 160th Avenue)
- Power poles to the west of the proposed West Pit boundary
- South Platte River
- Gas well to the west of the proposed West Pit boundary
- Todd Creek waterline north of the proposed mine boundary
- Brighton Ditch
- Brighton Return Ditch
- A gravel road and building to the west of the South pit
- Challenger Pit to the north of the West pit
- City of Aurora waterline

A total of fifteen (15) slope stability models were prepared to evaluate the risk of damage to critical manmade structures for this evaluation as shown on Figure 1. Below is a description of the 15 model sections:

Section A – Tucson St. Setback from the West Mine Pit
Section A, (static analysis Figures A-1; seismic analysis Figures A-2) evaluated the proposed setback from the Tucson St. easement from the West Pit boundary. A 500 psf load was applied to the road to represent live traffic loads. A mud lens was present and modeled based on previous studies in the area. The area is modeled with high water table assuming wet season. The model includes the transmission lines adjacent to the road as the critical structure.

Section B – Tucson St. Setback from the East Mine Pit
Section B (static analysis Figures B-1; seismic analysis Figures B-2) evaluated the proposed setback from the Tucson St. easement from the East Pit boundary. A 500 psf load was applied to the road to represent live traffic loads. No mud lens was modeled based on previous studies in the area. The model uses the edge of the Right of Way as the critical location.

Section C – South Platte River
Section C (static analysis Figures C-1; seismic analysis Figures C-2) evaluated the proposed setback for the South Platte River from the East Pit boundary. The section is modeled where the South Platte River comes closest to the proposed mine boundary. A mud lens is not modeled based on the information available from previous studies in the area. The proposed slurry wall is modeled 20 feet from the river bank. This alignment should be verified by the slurry wall designer. Offset regulations may dictate a greater minimum setback. The model uses the edge of the riverbank as the critical structure.

Section D – Pipeline (North Side of East Cell)
Section D (static analysis Figures D-1; seismic analysis Figures D-2) evaluated the proposed setback for the Todd Creek waterline (pipeline) north of the proposed East and West Pit boundaries. A mud lens is not modeled based on the information available from previous studies in the area. The proposed slurry wall alignment is modeled 15 feet inside of the existing easement. The model identifies the pipeline as the critical structure with the setback measured from the edge of the easement. An agreement with the Todd Creek Metropolitan Water District included in the DRMS application allows for a lesser setback than estimated in the models.
Section E – Gas Well West of the Proposed West Pit Boundary
Section E (static analysis Figures E-1; seismic analysis Figures E-2) evaluated the proposed setback for an existing gas well to the west of the proposed West Pit boundary. A mud lens is modeled based on previous studies in the area. The aggregate layer is noticeably thinner in this area. The weight of a tank in the area is simulated by a 3,000 psf load. The proposed slurry wall is modeled 15 feet from the edge of a gravel apron for the well. The water table on the west side of the slurry wall was modeled at approximately seven feet below ground surface. The water table was not modeled above the mud lens on the east side of the slurry wall since the pit is assumed to be dewatered. The gravel apron was the critical location in the model.

Section F – Power Poles to the West of the Proposed West Pit Boundary
Section F (static analysis Figures F-1; seismic analysis Figures F-2) evaluated the proposed setback for the power poles to the west of the proposed West Pit boundary. The closest power pole to the proposed mine boundary was modeled. A mud lens was present and modeled based on previous studies in the area. The proposed slurry wall is modeled. The overburden is assumed to be approximately constant in thickness. The existing grade at the location would prevent the cutting of a mine slope, only a reclamation slope was considered for this cross section.

Section G – Brighton Ditch
Section G (static analysis Figures G-1; seismic analysis Figures G-2) evaluated the proposed setback for the Brighton Ditch to the west of the proposed West Pit boundary. The section of the ditch closest to the proposed mine boundary was modeled. The proposed slurry wall is modeled 15 feet inside of the affected land boundary. The overburden is assumed to be approximately constant in thickness. The existing grade at the location would prevent the cutting of a mine slope, only a reclamation slope was considered for this cross section. A mud lens is not modeled based on previous studies in the area. The setback presented is measured from the affected land boundary.

Section H – Highway 7 from North Cell (East)
Section H (static analysis Figures H-1; seismic analysis Figures H-2) evaluated the proposed setback for Highway 7 to the south of the proposed East pit boundary. A mud lens is not modeled based on previous studies in the area. A slurry wall will not be constructed around the cell and is not modeled. A steady state phreatic surface was modeled along the top of the mud seam, and daylights along the cut slope to model open pit dewatering. A 2H:1V mine slope was modeled to increase yield from the pit, the reclamation slope remained at 3H:1V. In order to comply with regulatory stability requirements, without increasing mine setback limits, the phreatic surface must be dewatered as to not seep down the face of the mine slope. The ditch was modeled with approximately five feet of water.

Section I – Highway 7 from South Cell
Section I (static analysis Figures I-1; seismic analysis Figures I-2) evaluated the proposed setback for Highway 7 and a power line to the north of the proposed South pit boundary. A mud lens was present and modeled based on previous studies in the area. A slurry wall will not be constructed around the cell and is not modeled. A steady state phreatic surface was modeled along the top of the mud seam, and daylights along the cut slope to model open pit dewatering. A 2H:1V mine slope was modeled to increase yield from the pit, the reclamation slope remained at 3H:1V. A 500 psf load was modeled to simulate traffic on the Highway 7. A 200 psf load was modeled to simulate the weight of a screening berm on the north side of the South Cell.

Section J – Brighton Return Ditch
Section J (static analysis Figures J-1; seismic analysis Figures J-2) evaluated the proposed setback for the Brighton Return Ditch to the southwest of the proposed South pit boundary. A mud lens was present and modeled based on previous studies in the area. A slurry wall will not be constructed around the cell and is not modeled. A steady state phreatic surface was modeled along the top of the mud seam, and daylights along the cut slope to model open pit dewatering. A 2H:1V mine slope was modeled to increase yield from the pit, the reclamation slope remained at 3H:1V. The waterline adjacent to the gravel road is the critical structure. A 3000
psf load is modeled to simulate the weight of the building. The setback presented is measured from the edge of the water utility easement.

**Section L – Challenger Pit**
Section L (static analysis Figures L-1; seismic analysis Figures L-2) evaluated the proposed setback for the Challenger Pit to the north of the proposed West pit boundary. A mud lens was present and modeled based on previous studies in the area7. A slurry wall is modeled for the proposed Tucson South pit and the existing Challenger Pit. The water table is modeled 13 feet below ground surface. The setbacks presented are measured from the edge of the utility easements. Offset regulations may dictate a different minimum setback.

**Section M – Pipeline (East Side of East Cell)**
Section M (static analysis Figures M-1; seismic analysis Figures M-2) evaluated the proposed setback for the Todd Creek waterline (pipeline) to the east of the proposed East pit boundary. The pipeline comes closer to the property in this area. A mud lens is not modeled based on previous studies in the area7. The proposed slurry wall is modeled. The presented setbacks are measured from the edge of the utility easement. An agreement with the Todd Creek Metropolitan Water District included in the DRMS application allows for a lesser setback than estimated in the models.

**Section N – Highway 7 from North Cell (West)**
Section N (static analysis Figures N-1; seismic analysis Figures N-2) evaluated the proposed setback for Highway 7 to the south of the proposed West pit boundary. A mud lens was present and modeled based on previous studies in the area7. The proposed slurry wall is modeled. A 500 psf load was modeled to simulate traffic on the Highway 7. A transmission line adjacent to Highway 7 is the critical structure which the setback presented is measured from. The model assumes a screening berm is located between the road and the mine and the slurry wall is not constructed under the berm.

**Section O – City of Aurora Water Line**
Section O (static analysis Figures O-1; seismic analysis Figures O-2) evaluated the proposed setback for the Aurora waterline to the south of the proposed West pit boundary. A mud lens was present and modeled based on previous studies in the area7. The proposed slurry wall is modeled. A 200 psf load was modeled to simulate the weight of a screening berm on the south side of the West Cell. The model assumes that the slurry wall is not constructed under the screening berm. The waterline is the critical structure and where the setback is measured from.

### 4.2 INPUT PARAMETERS

Each section was modeled to resemble the existing site topography based on the site survey referenced on the Tucson South Resource Pre-Mining and Mining Plan Maps. Material thicknesses were modeled based on a geotechnical investigation performed at the site in 2004. In general, the sand and gravel were thinner on the west side of the site. The materials were generally assumed to be horizontal in the subsurface. A three-foot thick weathered claystone bedrock layer was modeled based on a letter from Allen Sorenson to Kate Pickford dated March 6, 20037. The sections modeled should not be used as an estimation of the aggregate resource.

The input parameters for each of the materials used were those required for the 2004 analysis and are based on a memo from Allen Sorenson to Larry Oehler, dated August 29, 20048. A reclamation slope fill material was added for this revised analysis. The material properties are presented in Table 1. All materials were modeled using the Mohr/Coulomb framework.

---

Table 1: Material parameters used in the slope stability models.

<table>
<thead>
<tr>
<th>Material</th>
<th>Moist Unit Weight (pcf)</th>
<th>Saturated Unit Weight (pcf)</th>
<th>Effective Cohesion (c') (psf)</th>
<th>Effective Friction Angle (\phi') (degrees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overburden</td>
<td>114</td>
<td>126</td>
<td>50</td>
<td>28</td>
</tr>
<tr>
<td>Sand &amp; Gravel</td>
<td>130</td>
<td>137</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>Weathered Claystone Bedrock</td>
<td>124</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>(residual strength)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Claystone Bedrock (peak strength)</td>
<td>124</td>
<td>134</td>
<td>100</td>
<td>28</td>
</tr>
<tr>
<td>Mud Lens</td>
<td>114</td>
<td>126</td>
<td>50</td>
<td>28</td>
</tr>
<tr>
<td>Slurry Wall</td>
<td>110</td>
<td>122</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Reclamation Slope Fill</td>
<td>119</td>
<td>126</td>
<td>25</td>
<td>26</td>
</tr>
</tbody>
</table>

\*pcf= pounds per cubic foot; psf= pounds per square foot

A seismic analysis was also performed for each of the sections described above as required by the DRMS. The seismic analysis accounts for the effects of horizontal acceleration experienced during an earthquake. The horizontal acceleration used was 0.067 g. The value was obtained from a U.S. Seismic Design map of the area. The U.S. Seismic Design Maps program considers the soil classification and location of the site. For the Tucson South site, Site Class D – Stiff Soil was used.

Other applicable DRMS requirements that were used are as follows:
- The minimum factor of safety for the static analysis is 1.5.
- The minimum factor of safety for the seismic analysis is 1.3.

The scenarios were modeled with entry/exit geometry for currently proposed setbacks. The setbacks were adjusted as needed to reach the minimum required factor of safety in each case.

4.3 MODEL RESULTS

The model results are given in Table 2. Detailed model results and a comparison with previous slope stability modeling is included in Appendix A. The setbacks listed are the minimum setbacks required. Resulting sections from the model are presented in Figures. It should be noted that the setback requirement for model J is dependent on the reduced phreatic surface in the soils behind the mine cut, care should be given to the dewatering process chosen in the South Pit.

---

## Updated Tucson South Proposed Gravel Mine Slope Stability Analysis

September 16, 2019

1- Existing geometry prevents a mine slope from being cut at a 3H:1V

<table>
<thead>
<tr>
<th>Model</th>
<th>Mine Slope</th>
<th>Reclamation Slope</th>
<th>Highwall</th>
<th>Object measured from</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Factor of Safety</td>
<td>Setback</td>
<td>Factor of Safety</td>
<td>Setback</td>
</tr>
<tr>
<td></td>
<td>Static (1.5 min)</td>
<td>(ft)</td>
<td>Seismic (1.3 min)</td>
<td>(ft)</td>
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<tr>
<td>A-Tucson St. West Power Pole</td>
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<td>35</td>
<td>1.64</td>
<td>44</td>
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<tr>
<td>B-Tucson St. East</td>
<td>2.17</td>
<td>35</td>
<td>1.91</td>
<td>35</td>
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<tr>
<td>C-South Platte River</td>
<td>2.13</td>
<td>44</td>
<td>1.89</td>
<td>44</td>
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<tr>
<td>D-Pipeline</td>
<td>2.09</td>
<td>35</td>
<td>1.73</td>
<td>35</td>
</tr>
<tr>
<td>E-Fence near gas well</td>
<td>2.08</td>
<td>56</td>
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<td>56</td>
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<tr>
<td>F-Power Pole (1)'</td>
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<td>68</td>
<td>1.75</td>
<td>100</td>
</tr>
<tr>
<td>G-Brighton Ditch</td>
<td>1.93</td>
<td>35</td>
<td>1.69</td>
<td>90</td>
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<tr>
<td>H-Highway 7 North</td>
<td>2.00</td>
<td>35</td>
<td>1.77</td>
<td>35</td>
</tr>
<tr>
<td>I-Highway 7 South</td>
<td>2.31</td>
<td>86</td>
<td>2.72</td>
<td>86</td>
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<tr>
<td>J-Brighton Return Ditch</td>
<td>1.58</td>
<td>51</td>
<td>1.81</td>
<td>51</td>
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<tr>
<td>K-South Cell Gravel Road</td>
<td>2.19</td>
<td>30</td>
<td>2.59</td>
<td>30</td>
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<td>L-Challenger Pit</td>
<td>2.24</td>
<td>45</td>
<td>1.97</td>
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<td>M-East Cell Pipeline</td>
<td>2.37</td>
<td>52</td>
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<tr>
<td>N-Highway 7 northwest</td>
<td>3.13</td>
<td>106</td>
<td>3.07</td>
<td>106</td>
</tr>
<tr>
<td>O-City of Aurora Pipeline</td>
<td>2.76</td>
<td>72</td>
<td>2.61</td>
<td>72</td>
</tr>
</tbody>
</table>

(1)- Existing geometry prevents a mine slope from being cut at a 3H:1V
5.0 LIMITATIONS

The findings presented in this memorandum are based on information from previous geotechnical investigations at the site and strength parameters of the modeled materials provided by the Colorado Division of Minerals and Geology in 2004. Tetra Tech should be contacted if the mining plans change or if the subsurface conditions vary from the descriptions here as reevaluation may be necessary to the investigate potential effects of the changes on the factors of safety for the critical structures determined in this evaluation. Factors of safety for this evaluation were limited to effects at the critical manmade structures and were not an evaluation of the mining highwall and/or reclamation slopes.

Please do not hesitate to contact us with any questions or comments.

Sincerely,

Jacob Jansen, EI
Geotechnical Engineer
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720-931-9363
Jacob.jansen@tetratech.com

REVISION HISTORY

9/16/2019
- Revised offset table
- Revised CAD cross section exhibits to add more detail
- Revised Slope/W cross section exhibit to add more detailed dimensions
  - Computer analysis changed for Section M only
  - Computer analysis not changed for all other cross sections
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - WEST SIDE TUCSON STREET

Figure A-1 - Static Analysis with Low Phreatic Surface
Figure A-1 - Static Analysis with Low Phreatic Surface
Horizontal Acceleration Coefficient: 0.067g

Figure A-2 - Pseudostatic Analysis with Low Phreatic Surface
### TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - WEST SIDE TUCSON STREET

#### Figure A-2 - Pseudostatic Analysis with Low Phreatic Surface

**Horizontal Acceleration Coefficient:** 0.067g

<table>
<thead>
<tr>
<th>Color</th>
<th>Name</th>
<th>Model</th>
<th>Unit Weight (pcf)</th>
<th>Cohesion (psf)</th>
<th>Phi°</th>
<th>Piezometric Line</th>
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<tbody>
<tr>
<td></td>
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<td>Mohr-Coulomb</td>
<td>134</td>
<td>100</td>
<td>28</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Fill</td>
<td>Mohr-Coulomb</td>
<td>126</td>
<td>25</td>
<td>26</td>
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</tr>
<tr>
<td></td>
<td>Mud Lens</td>
<td>Mohr-Coulomb</td>
<td>126</td>
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<td>Overburden</td>
<td>Mohr-Coulomb</td>
<td>126</td>
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<td>28</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Sand and Gravel</td>
<td>Mohr-Coulomb</td>
<td>137</td>
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<tr>
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</tr>
<tr>
<td></td>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>Mohr-Coulomb</td>
<td>134</td>
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<td>1</td>
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</tbody>
</table>
### TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS

#### SLOPE STABILITY ANALYSIS - EAST SIDE TUCSON STREET

**Figure B-1 - Static Analysis**

<table>
<thead>
<tr>
<th></th>
<th>(pcf)</th>
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<tr>
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<td>122</td>
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<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

**Tucson Street ROW**

- Tucson St. 500 psf live load
- 35 ft
- 15 ft
- 20 ft

**Distance (ft)**

-12 8 28 48 68 88 108 128 148 168 188 208 228

**Height (ft)**

-4,973 4,968 4,963 4,958 4,953 4,948 4,943 4,938 4,933 4,928 4,923 4,918 4,913 4,908 4,903 4,898 4,893 4,888

**Figure B-1 - Static Analysis**
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - EAST SIDE TUCSON STREET

Figure B-1 - Static Analysis

<table>
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Tucson Street ROW

Tucson St.
500 psf live load

Distance (ft)

Height (ft)

Figure B-1 - Static Analysis
Figure B-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - EAST SIDE TUCSON STREET

Figure B-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
### Table: Soil Properties

<table>
<thead>
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<td>Mohr-Coulomb</td>
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![Figure C-1 - Static Analysis](image-url)
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - SOUTH PLATTE RIVER

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<td>100</td>
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<tr>
<td>Fill</td>
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<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
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</table>

South Platte River

Figure C-1 - Static Analysis
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - SOUTH PLATTE RIVER

Figure C-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure C-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
**Figure D-1 - Static Analysis**

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<td>122</td>
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<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

- Pipeline Easement: 35 ft
- 20 ft from pipeline side: 15 ft
- 20 ft from pipeline side: 20 ft

Distance (ft): -80 to 180
Height (ft): 4,867 to 4,967
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS  
SLOPE STABILITY ANALYSIS - PIPELINE (NORTH SIDE OF EAST CELL)

<table>
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<td></td>
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<tr>
<td>Fill</td>
<td>126</td>
<td>25</td>
<td>26</td>
</tr>
<tr>
<td>Mohr-Coulomb</td>
<td></td>
<td></td>
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<td>Slurry Wall</td>
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<td>Mohr-Coulomb</td>
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<tr>
<td>Weathered Claystone Bedrock</td>
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<tr>
<td>(residual strength)</td>
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</table>

Figure D-1 - Static Analysis
Figure D-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure D-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure E-1 - Static Analysis
Figure E-1 - Static Analysis
Figure E-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Applied Load: 3000 psf

Claystone Bedrock (peak strength) Mohr-Coulomb 134 100 28
Fill Mohr-Coulomb 126 25 26
Mud Lens Mohr-Coulomb 126 50 28
Overburden Mohr-Coulomb 126 50 28
Sand and Gravel Mohr-Coulomb 137 0 35
Slurry Wall Mohr-Coulomb 122 0 0
Weathered Claystone Bedrock (residual strength) Mohr-Coulomb 134 0 14

Figure E-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - POWER POLES

**Figure F-1- Static Analysis**

- **Claystone Bedrock (peak strength)**: Mohr-Coulomb 134 100 28
- **Fill**: Mohr-Coulomb 126 25 28
- **Overburden**: Mohr-Coulomb 126 50 28
- **Sand and Gravel**: Mohr-Coulomb 137 0 35
- **Slurry Wall**: Mohr-Coulomb 122 0 0
- **Weathered Claystone Bedrock (residual strength)**: Mohr-Coulomb 134 0 14

---

**Utility Easement**

- **Power Pole**: 68 ft
- **Distance (ft)**: 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190
- **Height (ft)**: 4,903 4,908 4,913 4,918 4,923 4,928 4,933 4,938 4,943 4,948 4,953 4,958 4,963

---

**Figure F-1- Static Analysis**
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - POWER POLES

Figure F-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure G-1 - Static Analysis

Mine Slope not feasible. Material must be added for a 3H:1V slope.

Table:

<table>
<thead>
<tr>
<th>Material</th>
<th>Friction Angle</th>
<th>Cohesion</th>
<th>Density (pcf)</th>
<th>Density (psf)</th>
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<tbody>
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<td>Mohr-Coulomb</td>
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<td>Overburden</td>
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<td>126</td>
<td>50</td>
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<td>Sand and Gravel</td>
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<tr>
<td>Slurry Wall</td>
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<td>122</td>
<td>0</td>
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</tr>
<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>Mohr-Coulomb</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>
Figure G-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
### TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
### SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELL (EAST)

#### Figure H-1 - Static Analysis

<table>
<thead>
<tr>
<th>Material</th>
<th>(pcf)</th>
<th>(psf)</th>
<th>(°)</th>
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<tbody>
<tr>
<td>Claystone Bedrock (peak strength)</td>
<td>134</td>
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<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>134</td>
<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

Power Pole:
- Height: 4,978 ft
- Distance: 20 ft
- 35 ft:
- 40 ft:

Live Load: 500 psf
- Highway 7
## TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
### SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELL (EAST)

---

**Figure H-1 - Static Analysis**

<table>
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<tr>
<th>Material</th>
<th>(pcf)</th>
<th>(psf)</th>
<th>(°)</th>
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<td>Claystone Bedrock (peak strength) Mohr-Coulomb</td>
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<td>Fill Mohr-Coulomb</td>
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<td>Overburden Mohr-Coulomb</td>
<td>126</td>
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<td>Sand and Gravel Mohr-Coulomb</td>
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<td>Weathered Claystone Bedrock (residual strength) Mohr-Coulomb</td>
<td>134</td>
<td>0</td>
<td>14</td>
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</tbody>
</table>

---

**Notes:**
- **Power Pole:**
  - Distance: 35 ft
  - Height: 1.77 ft

- **Highway 7:**
  - Distance: 40 ft
  - Height: 4,978 ft

- **Live Load:** 500 psf

---

*Figure H-1 - Static Analysis*
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELL (EAST)

Figure H-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g

<table>
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TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELL (EAST)

Figure H-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure I-1 - Static Analysis with High Phreatic Surface
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM SOUTH CELL

Figure I-2 - Pseudostatic Analysis with High Phreatic Surface

Horizontal Acceleration Coefficient: 0.067g
Applied Live Load: 500 psf
Power Pole

Applied Load for Berm: 200 psf

Claystone Bedrock (peak strength) Mohr-Coulomb 134 100 28
Mud Lens Mohr-Coulomb 126 50 28
Overburden Mohr-Coulomb 126 50 28
Sand and Gravel Mohr-Coulomb 137 0 35
Weathered Claystone Bedrock (residual strength) Mohr-Coulomb 134 0 14

Figure I-2 - Pseudostatic Analysis with High Phreatic Surface
Horizontal Acceleration Coefficient: 0.067g
Figure I-1 - Static Analysis with High Phreatic Surface
Figure J-1 - Static Analysis

<table>
<thead>
<tr>
<th>Depth/Property</th>
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</table>
Figure J-1 - Static Analysis
Figure J-2 - Pseudostatic Analysis with Mine Slope - Lowered Phreatic Surface

Horizontal Acceleration Coefficient: 0.067g
Figure J-2 - Pseudostatic Analysis with Mine Slope- Lowered Phreatic Surface

Horizontal Acceleration Coefficient: 0.067g
Figure K-1 - Static Analysis with High Phreatic Surface
Figure K-1 - Static Analysis with High Phreatic Surface
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - GRAVEL ROAD/BUILDING

Applied Load: 3,000 psf

Table:

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<th>Layer Description</th>
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<td>0</td>
<td>14</td>
</tr>
</tbody>
</table>

Figure K-2 - Pseudostatic Analysis with High Phreatic Surface

Horizontal Acceleration Coefficient: 0.067g
Applied Load: 3,000 psf

City of Aurora Waterline Easement

Gravel Road
Buried Waterline

30 ft

Distance (ft)

4,969
4,959
4,949
4,939
4,929
4,919
4,909
4,899
4,889

0 20 40 60 80 100 120 140 160 180 200 220 240 260 280 300 320 340 360 380 400

Height (ft)

1.75

TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - GRAVEL ROAD/ BUILDING

Horizontal Acceleration Coefficient: 0.067g

Figure K-2 - Pseudostatic Analysis with High Phreatic Surface

Applied Load: 3,000 psf

Claystone Bedrock (peak strength) Mohr-Coulomb 134 100 28
Fill Mohr-Coulomb 126 25 26
Mud Lens Mohr-Coulomb 126 50 28
Overburden Mohr-Coulomb 126 50 28
Sand and Gravel Mohr-Coulomb 137 0 35
Weathered Claystone Bedrock (residual strength) Mohr-Coulomb 134 0 14
2.24
Distance (ft)

-90 -70 -50 -30 -10 10 30 50 70 90 110 130 150 170 190 210 230 250 270 290 310 330 350 370 390 410 430

Height (ft)

4,833 4,843 4,853 4,863 4,873 4,883 4,893 4,903 4,913 4,923 4,933 4,943 4,953 4,963

TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - CHALLENGER PIT

<table>
<thead>
<tr>
<th>Material/Formation</th>
<th>Cohesion (psf)</th>
<th>Friction Angle (°)</th>
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</thead>
<tbody>
<tr>
<td>Claystone Bedrock (peak strength)</td>
<td>134</td>
<td>100</td>
</tr>
<tr>
<td>Mohr-Coulomb</td>
<td></td>
<td>28</td>
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<tr>
<td>Reclamation Slope Fill</td>
<td>126</td>
<td>25</td>
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<tr>
<td>Mohr-Coulomb</td>
<td></td>
<td>26</td>
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<tr>
<td>Sand and Gravel</td>
<td>137</td>
<td>0</td>
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<tr>
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<td>Mohr-Coulomb</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Weathered Claystone Bedrock (residual strength)</td>
<td>134</td>
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<tr>
<td>Mohr-Coulomb</td>
<td></td>
<td>14</td>
</tr>
</tbody>
</table>

Figure L-1 - Static Analysis
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - CHALLENGER PIT

<table>
<thead>
<tr>
<th></th>
<th>(pcf)</th>
<th>(psf)</th>
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<tbody>
<tr>
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</tr>
</tbody>
</table>

Figure L-1 - Static Analysis
Figure L2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
**Figure L2 - Pseudostatic Analysis**

**Horizontal Acceleration Coefficient:** 0.067g
### Figure M-1- Static Analysis

<table>
<thead>
<tr>
<th></th>
<th>(pcf)</th>
<th>(psf)</th>
<th>(*)</th>
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<tbody>
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<td>Claystone Bedrock</td>
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<td>28</td>
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</tr>
<tr>
<td>(residual strength)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Legend:**
- Claystone Bedrock
- Overburden
- Sand and Gravel
- Slurry Wall
- Weathered Claystone Bedrock

**Notes:**
- Todd Creek Pipeline with 20' easement
- Waterline
**Figure M-1- Static Analysis**
Figure M-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure M-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELLS - WEST

Figure N-1- Static Analysis

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<tr>
<th>Material</th>
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<th>(psf)</th>
<th>(%)</th>
</tr>
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</table>

*Figure N-1- Static Analysis*
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELLS - WEST

Claystone Bedrock (peak strength)
Mohr-Coulomb
Claystone Bedrock (residual strength)
Mohr-Coulomb
Fill
Mohr-Coulomb
Mud Lens
Mohr-Coulomb
Overburden
Mohr-Coulomb
Sand and Gravel
Mohr-Coulomb
Slurry Wall
Mohr-Coulomb
Weathered Claystone Bedrock (residual strength)
Mohr-Coulomb

Figure N-1- Static Analysis
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - HIGHWAY 7 FROM NORTH CELLS - WEST

Figure N-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Figure N-2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g

<table>
<thead>
<tr>
<th>Layer</th>
<th>Strength Model</th>
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<th>Residual Strength (pcf)</th>
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</thead>
<tbody>
<tr>
<td>Claystone Bedrock (peak strength)</td>
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<td>14</td>
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</tbody>
</table>
Figure O-1 - Static Analysis

City of Aurora Waterline

Applied Load for Berm: 200 psf

72 ft

Applied Load for Berm: 200 psf

2.76

<table>
<thead>
<tr>
<th>Material</th>
<th>Density (pcf)</th>
<th>Applied Load (psf)</th>
<th>Angle of Internal Friction (°)</th>
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<tr>
<td>Claystone Bedrock (peak strength)</td>
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Figure O-1 - Static Analysis
Figure O2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
TUCSON SOUTH PROPOSED GRAVEL MINE STABILITY ANALYSIS
SLOPE STABILITY ANALYSIS - CITY OF AURORA WATERLINE

Figure O2 - Pseudostatic Analysis

Horizontal Acceleration Coefficient: 0.067g
Development Review Team Comments

Date: 10/27/2020
Project Number: EXG2020-00001
Project Name: Tucson South

Commenting Division: Plan Coordination 2nd Review
Name of Reviewer: Greg Barnes
Date: 10/27/2020
Email: gjbarnes@adcogov.org
Resubmittal Required
PLN01: Page C-5 of the site plan shows some overlap of stockpile areas and flood districts. Please make a modification to fix that.

PLN02: What are the proposed height of the berms?

PLN03: What is the height of the above-ground conveyor?

PLN04: The site plans do not indicate the location of the proposed fence.

PLN05: Where will the proposed employee parking areas be located? What will be the surface area? Please indicate this on the site plan, and show that the parking areas will conform to parking space requirements.

PLN06: If the slurry wall is not proposed for the Tucson Street right-of-way, then Note 11 on Page C-1 needs to be removed. If it is planned for the ROW, then please let us know because we do not currently see any proposed overlapping.

ENV1. The applicant must either establish a permanent, dedicated setback from the existing plugged & abandoned well or provide written documentation from the well owner, Great Western Operating Company, demonstrating the well will be plugged and removed to a depth below the lowest excavation elevation.

Review complete with comments. See doc # 6112355. Re-submittal required.
Resubmittal Required

PLN01: The application is for a Conditional Use Permit within the A-1 zone district with NRCO overlay to allow for extraction use. The site is heavily impacted by floodplain and floodway.

PLN02: My apologies if my comments are already addressed in your submittal. When over 900 pages of material is submitted, it becomes difficult for the public, agencies, and our staff to adequately review the information. Please consider being more concise and remove duplicate information from your resubmittal.

PLN03: I would like to see a summarized description of process and timeline. You say that there will be no trucking, yet there are hauling roads. Clearly some hauling has to occur to construct the berms. What is the timing of berm installation? Timing of conveyor installation? Are there metrics that will be met to ensure the eight year timeline?

PLN04: What happens in 2028 if the work isn't done? What guarantees can be placed to ensure that promises are being kept?

PLN05: Plans for reclamation don't show detail of fence or trail that are mentioned in your application. We will want to see these.

PLN06: After reclamation, how will landscaping be irrigated and maintained?

PLN07: Criterion #4 of the approval criteria for conditional use permits states that the conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation. Based on the surrounding area, presence of floodplain, and proximity to heavily populated areas into Brighton, there are concerns that this criterion will not be met.

PLN08: I would like to know more about conveyor. Will it generate noise? What will it look like? I believe that the application only provides detail on the road crossing.

PLN09: When will conveyor easements be secured and finalized? What is the likelihood that the conveyor will need to be relocated?

PLN10: Is there any opportunities for displacing the floodplain to allow for berming along Highway 7? Can screening be achieved by breakaway fencing?
Commenting Division: Development Engineering Review
Name of Reviewer: Matthew Emmens
Date: 09/04/2020
Email: memmens@adcogov.org

Resubmittal Required
Review complete with comments. See doc # 6097935. Re-submittal required.

Commenting Division: ROW Review
Name of Reviewer: Mark Alessi
Date: 09/02/2020
Email:

Resubmittal Required
ROW1: Tucson Street is classified as a collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet (80ft for full street). Submit legal description and exhibit of right of way dedication.
ROW2: The applicant has indicated on the site plan submitted that they will be dedicating additional right of way to bring Tucson Street up to collector width standards.
ROW3: Services of a licensed Professional Land Surveyor should be secured to create the plat.
ROW4: Submit legal description and exhibit of right of way dedication.
Recommended Conditions of Approval:
1. The applicant will install two (2) continuous, real-time Particulate Matter (PM) monitors along the southwest and northeast property line that are capable of providing real-time emissions data for PM-2.5, PM-10 and Total-PM to monitor fugitive dust during all project phases including site preparation and active mining.
2. The applicant shall report any documented exceedance of the 24-hour ambient air quality standard for particulate matter to the Adams County Environmental Program Manager within 8-hours of such occurrence. Concurrent APCD notification may be required. The applicant shall co-locate wind gauges with datalogging capabilities to track wind speed and direction with the PM monitors.
3. Records of wind speed and direction shall be included in the monthly air monitoring reports provided to Adams County Environmental Program Manager.
4. Mining and material moving operations shall cease when sustained wind speeds equal or exceed 25 mph or when wind gusts exceed 35 mph.
5. Records of high wind speed shutdowns shall be maintained and included in the monthly air monitoring report submitted to Adams County, as applicable.
6. The applicant shall provide Adams County notification of all complaints received pertaining to offsite impacts and resolution of such complaints as part of the monthly air monitoring report, as applicable.
7. The applicant will provide the County with a copy of the Annual Reclamation Report as submitted to the Division of Reclamation and Mining, and Safety.
8. If any construction is planned to occur between October 15th and July 31st, raptor and bald eagle surveys shall be conducted by a qualified biologist prior to disturbance. Survey reports shall be provided to both Adams County prior to commencement of mining operations.
9. If additional raptor nests are discovered or activity status changes, impacts to nest locations shall be minimized using the buffer zones and seasonal restrictions approved by CPW (2020).
10. A permanent, dedicated oil and gas well maintenance and work-over setback of not less than fifty (50) feet in width and 100 feet in length shall be established for each plugged and abandoned well within the project boundaries. There shall be public access for ingress and egress to the setback of not less than twenty feet.
11. The applicant shall obtain a separate inert fill permit prior to importing additional fill material if necessary to complete mined area reclamation.
Commenting Division:  Environmental Analyst Review
Name of Reviewer:  Katie Keefe
Date:  08/28/2020
Email:

Comment

ENV1. There are two plugged and abandoned oil and gas wells owned by Great Western Operating Company located within the proposed mining project limits. Well API 00106980 is located within the western portion of parcel 0157101300002 and well API 00107140 is located along the northwest edge of parcel 0157101100002.
ENV2. For site-specific development plans which contain plugged and abandoned wells, there shall be a dedicated well maintenance and workover setback for each well, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.
ENV3. Meteorological station/wind gauge capable of logging both wind speed and direction shall be co-located with PM monitors.
ENV4. A requirement to provide to the County as part of the monthly air monitoring reports, associated wind data, records of high-speed wind shutdown periods, and information on the resolution of complaints pertaining to off-site impacts will be recommended as a condition of approval.
ENV5. AI should also consult with Adams County Open Space and Parks Department, local NRCS district office and consider consulting with Colorado Native Plant Society in regard to tree and plant selection and appropriate native grass seed mix for site restoration.
ENV6. The applicant has stated all backfill materials necessary for site reclamation will come from on-site mining activities. Please note that a separate inert fill permit must be obtained prior to importing additional fill materials that may be necessary to complete reclamation activities.
Commenting Division: Environmental Analyst Review
Name of Reviewer: Katie Keefe
Date: 08/28/2020
Email:

Comment
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Commenting Division: Parks Review
Name of Reviewer: Aaron Clark
Date: 08/24/2020
Email: aclark@adcogov.org

Complete
PRK1: Parks is pleased that the parcel south of Highway 7 has been removed from consideration for mining in this case. Regarding the question of donating the parcel to the County, Parks is open to discussing this.
Development Review Team Comments

Date: 9/8/2020
Project Number: EXG2020-00001
Project Name: Tucson South
Resubmittal Required

PLN01: The application is for a Conditional Use Permit within the A-1 zone district with NRCO overlay to allow for extraction use. The site is heavily impacted by floodplain and floodway.

PLN02: My apologies if my comments are already addressed in your submittal. When over 900 pages of material is submitted, it becomes difficult for the public, agencies, and our staff to adequately review the information. Please consider being more concise and remove duplicate information from your resubmittal.

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**Commenting Division:** Development Engineering Review  
**Name of Reviewer:** Matthew Emmens  
**Date:** 09/04/2020  
**Email:** memmens@adcogov.org

**Resubmittal Required**  
Review complete with comments. See doc # 6097935. Re-submittal required.

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**Commenting Division:** ROW Review  
**Name of Reviewer:** Mark Alessi  
**Date:** 09/02/2020  
**Email:**

**Resubmittal Required**  
ROW1: Tucson Street is classified as a collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet (80ft for full street). Submit legal description and exhibit of right of way dedication.  
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3. Records of wind speed and direction shall be included in the monthly air monitoring reports provided to Adams County Environmental Program Manager.
4. Mining and material moving operations shall cease when sustained wind speeds equal or exceed 25 mph or when wind gusts exceed 35 mph.
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ENV3. Meteorological station/wind gauge capable of logging both wind speed and direction shall be co-located with PM monitors.
ENV4. A requirement to provide to the County as part of the monthly air monitoring reports, associated wind data, records of high-speed wind shutdown periods, and information on the resolution of complaints pertaining to off-site impacts will be recommended as a condition of approval.
ENV5. AI should also consult with Adams County Open Space and Parks Department, local NRCS district office and consider consulting with Colorado Native Plant Society in regard to tree and plant selection and appropriate native grass seed mix for site restoration.
ENV6. The applicant has stated all backfill materials necessary for site reclamation will come from on-site mining activities. Please note that a separate inert fill permit must be obtained prior to importing additional fill materials that may be necessary to complete reclamation activities.

Commenting Division: Parks Review
Name of Reviewer: Aaron Clark
Date: 08/24/2020
Email: aclark@adcogov.org

Complete
PRK1: Parks is pleased that the parcel south of Highway 7 has been removed from consideration for mining in this case. Regarding the question of donating the parcel to the County, Parks is open to discussing this.
External Agencies Selected
August 21, 2020

Adams County Community and Economic Development Department
4430 S. Adams County Pkwy.
Suite W200A
Brighton, CO 80601

Re: Aggregate Industries Mining (Case No. EXG2020-00001)

Mr. Barnes,

On behalf of the City of Brighton, I appreciate the opportunity to comment on the proposed conditional use permit for the Aggregate Industries Mining project. The comments below are based on the Case Number EXG2020-00001 and the referral attachments sent to the City of Brighton on August 13, 2020.

The City of Brighton would appreciate the opportunity to work with Adams County and Aggregate Industries on a way to mitigate any impacts of the proposed mining operation on the City’s infrastructure and on the health, safety, and welfare of the citizens of Brighton and the surrounding area. Some of the most significant impacts to Brighton will be regarding the use of conveyors, lighting, noise, visual impacts, and hours of operation.

Based upon the Executive Summary of the Tucson South Resource Conditional Use Permit, which was attached to the August 13, 2020 referral package (the “CUP Plans”), The applicant, Aggregate Industries (AI) states that the originally proposed plans have been narrowed in scope to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes Resource Site. This will eliminate the need for truck traffic associated with the transport of mining materials. Additionally, the 24 acre south parcel (located southeast corner of Bridge Street and the Tucson Street alignment) will no longer be mined. The CUP Plans also state that the mining operations will be completed within eight (8) years from the time of conveyor installation. Hours of operation are proposed to be 7 am to 7 pm Monday through Saturday. A third party air quality consultant will be utilized to install two (2) real-time air quality monitors on the site.

Bridge Street (HWY 7) Right-of-Way Dedication:
The City would like to ensure that AI dedicate adequate right-of-way (ROW) for the eventual expansion of Bridge Street and to take this land dedication into consideration prior to planning the site and when laying out the berms, trail, fencing, and landscaping.
Lighting:
The City requests that all lighting on the site be contained completely on site, with cut-off lighting fixtures, to prevent light from spilling off-site. In addition, the City requests that light poles be no higher than 35-feet tall within 300’ of an adjacent roadway and no higher than 50-feet tall at the interior of the site. The City also requests that the lighting levels would be limited to no more than 15 lumens per square foot in any specific spot, and no more than 100,000 lumens per gross acre (average of 2.3 lumens per gross acre), measured from between three (3) and five (5) feet above finished grade.

Landscaping and Reclamation:
In order to reduce the visual and other impacts to the City of Brighton, the City requests that all mining operations be setback 50-feet from Tucson Street and Hwy 7 in order to accommodate landscaped berms and future roadway improvement/expansion projects.

The City previously negotiated the following conditions during the mining application in 2011. We would appreciate your help in assuring that these conditions be placed on the current conditional use through the county. The City requests that the County and the operators, Aggregate Industries (AI) meet with City staff to establish a reclamation plan, including a landscaping and trails plan prior to approval of the conditional use. More specifically, the City requests the following:

● That landscaping be installed on the site during the first spring planting season, after all necessary permits for the mining are obtained.
● That, prior to installing the landscaping, AI work with City staff to determine the location of future trails along the Hwy 7 and Tucson Street corridors, and that AI install landscaping along these roadways in a location that will ensure that a trail can be installed in the future, without disturbing the trees and shrubs and other landscaping.
● That the landscaping shall have a native, irregular character to compliment the riparian corridor and shall include native and adaptive species.
● That AI install an irrigation system to ensure that the plantings are established, and that AI maintain the plantings during the mining and reclamation process.
● That AI shall install a grass berm, a minimum of 12-feet tall at the southwest corner of the property to help screen the line of sight to the north, into the mine, from Hwy 7.

Thank you, again, for the opportunity to comment on the proposed project. We appreciate the opportunity to work with the County’s staff and Aggregate Industries to ensure the needs and concerns of all parties are adequately addressed.

Cordially,

Jason Bradford, AICP
Planning Manager
January 13, 2021

Adams County Planning Commission
Through, Raymond Gonzales
Adams County Manager

Re: Adams County Case # EXG2020-00001 Aggregate Industries Mining Application

Honorable Planning Commissioners,

We write this letter to all of you in support of EXG2020-00001 which you will consider at a land use public hearing on January 14, 2021. This letter is in addition to the referral responses submitted by our Community Development staff regarding the technical issues (see attached letter dated 8/21/2020). The City Administration comes to this decision because of several important factors which we identify below. Further, we recognize that this is the second time you are reviewing this matter. It is important to note that significant changes to the application are clearly evident, but perhaps more importantly, the City of Brighton has been involved in this application in new and creative ways that benefit our entire community. The following reasons justify our support for the application:

1. Aggregate Industries listened to our concerns and worked hard to mitigate impacts from their proposed use. These mitigation efforts took the form of; (1) elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; (2) elimination of all truck traffic to, from and on the site by constructing a 2 mile overland conveyor system with the consent of landowners along the conveyor route; (3) installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue and (4) an 8 year limitation for this use, ensured with a land use covenant that will run with the land.

2. Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential. Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping and buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased. It is crucial that this landscaping be established early in the process and be watered with a reliable water supply.

3. The creation of a community benefit is always something that sets land use projects apart. In this instance, the City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing.
4. Aggregate Industries worked hard to re-engage the relationship between the City of Brighton and the City of Aurora. This relationship is important for obvious reasons, but in the context of this application, the relationship endeavors to build upon a scarce water resource and find ways for the City of Brighton to work with the City of Aurora in sharing water storage capacity and finding additional sources for water augmentation, both of which are vital to the City of Brighton. Senior staff from both cities meet on a regular basis to continue to foster this relationship and forge new opportunities.

5. The requirement for mining completion within the maximum 8 year timeframe is very important to us and our residents. The concurrent reclamation and landscaping, completed immediately upon phased mining is a very appealing and required component of this project in our view. We would also request that additional effort go into the use of water reservoir storage in these completed phases as soon as possible rather than waiting until the finalization of the entire mining project.

Should any questions regarding this issue arise, please contact Marv Falconburg at 303-655-2021. The City of Brighton appreciates the opportunity to weigh in on this application and we wish you all a prosperous 2021.

Sincerely,

Jane Bais-DiSessa, City Manager  
City of Brighton

Marv Falconburg, Deputy City Manager  
City of Brighton

Attachment
CC: Mayor and City Council
     Lena Mcclelland, City Attorney
     Holly Prather, Community Development Director
August 21, 2020

Adams County Community and Economic Development Department
4430 S. Adams County Pkwy.
Suite W200A
Brighton, CO 80601

Re: Aggregate Industries Mining (Case No. EXG2020-00001)

Mr. Barnes,

On behalf of the City of Brighton, I appreciate the opportunity to comment on the proposed conditional use permit for the Aggregate Industries Mining project. The comments below are based on the Case Number EXG2020-00001 and the referral attachments sent to the City of Brighton on August 13, 2020.

The City of Brighton would appreciate the opportunity to work with Adams County and Aggregate Industries on a way to mitigate any impacts of the proposed mining operation on the City’s infrastructure and on the health, safety, and welfare of the citizens of Brighton and the surrounding area. Some of the most significant impacts to Brighton will be regarding the use of conveyors, lighting, noise, visual impacts, and hours of operation.

Based upon the Executive Summary of the Tucson South Resource Conditional Use Permit, which was attached to the August 13, 2020 referral package (the “CUP Plans”), The applicant, Aggregate Industries (AI) states that the originally proposed plans have been narrowed in scope to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes Resource Site. This will eliminate the need for truck traffic associated with the transport of mining materials. Additionally, the 24 acre south parcel (located southeast corner of Bridge Street and the Tucson Street alignment) will no longer be mined. The CUP Plans also state that the mining operations will be completed within eight (8) years from the time of conveyor installation. Hours of operation are proposed to be 7 am to 7 pm Monday through Saturday. A third party air quality consultant will be utilized to install two (2) real-time air quality monitors on the site.

Bridge Street (HWY 7) Right-of-Way Dedication:
The City would like to ensure that AI dedicate adequate right-of-way (ROW) for the eventual expansion of Bridge Street and to take this land dedication into consideration prior to planning the site and when laying out the berms, trail, fencing, and landscaping.

Lighting:
The City requests that all lighting on the site be contained completely on site, with cut-off lighting fixtures, to prevent light from spilling off-site. In addition, the City requests that light poles be no higher than 35-feet tall within 300’ of an adjacent roadway and no higher than 50-feet tall at the interior of the site. The City also requests that the lighting levels would be limited to no more than 15 lumens per square foot in any specific spot, and no more than 100,000 lumens per gross acre (average of 2.3 lumens per gross acre), measured from between three (3) and five (5) feet above finished grade.

Landscaping and Reclamation:
In order to reduce the visual and other impacts to the City of Brighton, the City requests that all mining operations be setback 50-feet from Tucson Street and Hwy 7 in order to accommodate landscaped berms and future roadway improvement/expansion projects.

The City previously negotiated the following conditions during the mining application in 2011. We would appreciate your help in assuring that these conditions be placed on the current conditional use through the county. The City requests that the County and the operators, Aggregate Industries (AI) meet with City staff to establish a reclamation plan, including a landscaping and trails plan prior to approval of the conditional use. More specifically, the City requests the following:

- That landscaping be installed on the site during the first spring planting season, after all necessary permits for the mining are obtained.
- That, prior to installing the landscaping, AI work with City staff to determine the location of future trails along the Hwy 7 and Tucson Street corridors, and that AI install landscaping along these roadways in a location that will ensure that a trail can be installed in the future, without disturbing the trees and shrubs and other landscaping.
- That the landscaping shall have a native, irregular character to compliment the riparian corridor and shall include native and adaptive species.
- That AI install an irrigation system to ensure that the plantings are established, and that AI maintain the plantings during the mining and reclamation process.
- That AI shall install a grass berm, a minimum of 12-feet tall at the southwest corner of the property to help screen the line of sight to the north, into the mine, from Hwy 7.

Thank you, again, for the opportunity to comment on the proposed project. We appreciate the opportunity to work with the County’s staff and Aggregate Industries to ensure the needs and concerns of all parties are adequately addressed.

Cordially,

Jason Bradford, AICP
Planning Manager
RESOLUTION NO: ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING ADAMS COUNTY LAND USE CASE #EXG2020-00001 AGGREGATE INDUSTRIES MINING APPLICATION.

WHEREAS, the City of Brighton has received a land use referral from Adams County, regarding the proposed land use case #EXG2020-00001 Aggregate Industries mining application; and

WHEREAS, the territory of the proposed project is located wholly outside of the boundaries of the City; and

WHEREAS, Aggregate Industries listened to our concerns and worked hard to mitigate impacts from their proposed use; and

WHEREAS, significant changes to the application are clearly evident, but perhaps more importantly, the City of Brighton has been involved in this application in new and creative ways that benefit our entire community; and

WHEREAS, an important revision includes the elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; and

WHEREAS, an additional important revision includes elimination of all truck traffic to, from and on the site for mining activity, by constructing a two mile overland conveyor system with the consent of landowners along the conveyor route; and

WHEREAS, an additional important revision includes installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue; and

WHEREAS, a critical condition includes the 8 year limitation for this use, ensured with a land use covenant that will run with the land; and

WHEREAS, Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping; and

WHEREAS, buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply; and

WHEREAS, the City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing; and
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO:

Section 1. The City Council supports the Adams County land use Case #EXG2020-00001 aggregate industries mining application with the following conditions:

- The elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use.
- Elimination of all truck traffic to, from and on the site for mining activity, by constructing a two mile overland conveyor system with the consent of landowners along the conveyor route.
- Installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue.
- Eight year limitation for this use, ensured with a land use covenant that will run with the land.
- Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping.
- Buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply.
- City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation. This site will be great for wildlife viewing, trail hiking and fishing.

Section 2. The City Council relies on the Conditions of Approval attached to this land use case and will rely on the enforcement of these conditions through Adams County.

Section 3. The requirement for mining completion within the maximum 8 year timeframe is very important to the City Council and our residents. The concurrent reclamation and landscaping, completed immediately upon phased mining is a required component of this project. We would also request that additional effort go into the use of water reservoir storage in these completed phases as soon as possible rather than waiting until the finalization of the entire mining project.

ADOPTED this 19th day of January, 2021.

CITY OF BRIGHTON, COLORADO
By: __________________________
Gregory Mills, Mayor

ATTEST:

By: __________________________
Natalie Hoel, City Clerk

APPROVED AS TO FORM:

______________________________
Lena McClelland, Acting City Attorney
RESOLUTION NO. 2021-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, SUPPORTING ADAMS COUNTY LAND USE CASE #EXG2020-00001 AGGREGATE INDUSTRIES MINING APPLICATION

WHEREAS, the City of Brighton has been made aware of an Adams County proposed land use case #EXG2020-00001 Aggregate Industries mining application; and

WHEREAS, the territory of the proposed project is located wholly outside of the boundaries of the City; and

WHEREAS, significant changes to the application are clearly evident and the City Council’s concerns and suggestions were heard and acknowledged by Aggregate Industries and integrated in new and creative ways that benefit the community; and

WHEREAS, an important revision includes the elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; and

WHEREAS, an additional important revision includes elimination of all truck traffic to, from and on the site for mining activity, by constructing a two mile overland conveyor system with the consent of landowners along the conveyor route; and

WHEREAS, an additional important revision includes installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue; and

WHEREAS, Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping; and

WHEREAS, buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply; and

WHEREAS, Aggregate Industries has represented that it will construct a crusher fine trail along the southern perimeter of the property and convey the trail to the City; and

WHEREAS, the City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO:

Section 1. The City Council acknowledges its support of the Adams County land use Case #EXG2020-00001 Aggregate Industries mining application with the following conditions:
• The elimination of mining south of Highway 7, removing the parcel from their state mining permit and conveying the parcel to the County for public open space use; and

• Elimination of all truck traffic to, from and on the site for mining activity, by the construction of a two mile overland conveyor system with the consent of landowners along the conveyor route; and

• Installation of dust monitoring systems, accessible by all city and county residents, to ensure ongoing compliance with state permitting requirements and a hotline to call in the event immediate action needs to be taken to resolve a dust issue; and

• Highway 7 is an important gateway to the city and ensuring high quality berming and landscaping is essential and Aggregate Industries, along with the City of Aurora, have worked hard to create significant landscaping; and

• Buffering along Highway 7 from the outset of the mining activities and long after the activities have ceased is crucial and shall be established early in the process and be watered with a reliable water supply; and

• The City of Aurora has committed to allowing some form of public use of this site upon completion of the mining operation; and

• Aggregate Industries has represented that it will construct a crusher fine trail along the southern perimeter of the property and convey the trail to the City; and

• Additional effort be made to use the water reservoir storage in the completed phases as soon as possible rather than waiting until the finalization of the entire project.

RESOLVED this 19th day of January, 2021.

CITY OF BRIGHTON, COLORADO

GREGORY MILLS, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

LENA McCLELLAND, Acting City Attorney
Good morning,

At this time the Fire District has no comments or concerns.

Thank you!

Carla Gutierrez
Fire Inspector
Brighton Fire Rescue District
500 S. 4th Ave – 3rd Floor
Brighton CO 80601
www.brightonfire.org
Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases. Thank you for your review of this case.

Greg Barnes
Planner III, Community and Economic Development Dept.
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216
720.523.6853 gibarnes@adcogov.org
adcogov.org

Beginning July 27, 2020, my work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm
October 20, 2020

Adams County Commissioners
4430 S. Adams County Parkway
Brighton, CO 80601

Re: EXG2020-00001 Aggregate Industries Tucson South Site

Dear Commissioners,

On behalf of the Brighton Urban Renewal Authority (BURA), we are writing to express concerns with a land use application you are scheduled to consider. We understand that an application has been submitted by Aggregate Industries seeking approval for a mining operation in Adams County west of downtown Brighton.

BURA was created by the City Council in 2001 to help reduce blight and stimulate private investment in downtown Brighton. The proposed application for mining activities is approximately 1,400 linear feet from the western edge of our downtown urban renewal area. We have reviewed the proposal and we are concerned about the dust, noise and traffic associated with this operation. We believe this project will have negative impacts on nearby businesses and the city's gateway. Many downtown business owners have contacted BURA Commissioners expressing their concerns and objections to the project.

The very nature of an urban renewal authority is to reduce and eliminate blight. We feel that mining operations are not consistent with BURA’s overarching objectives and further that this mining operation will contribute to blight. Would-be developers and investors shy away from investing in new developments when adjacent to industrial operations. The land use is not harmonious with the vision and objectives set forth by the Urban Renewal Plan.

Based on these concerns, we respectfully request that you deny the conditional use permit for Aggregate Industries.

Respectfully submitted,

Candace Werth, Chair
Brighton Urban Renewal Authority
Greg,

I have reviewed the referral request for a CUP to allow extraction use located near 12255 East 160th Avenue and have the following comments:

- A review was done by CDOT Hydraulics in 2019 of the Drainage letter for this proposed mining operation. At that time Hydraulics had no major concerns. If there have been any changes to the plan or if the drainage has been updated we would like to review a copy.
- If any work is proposed in the State Highway 7 Right-of-Way a permit from our office will be required. Application can be made online at the following link: https://cdotpermits.force.com/utilitypermits/s/login/
- Any signing for this mining operation must be on premise and cannot be either partly or wholly in the state highway Right-of-Way.
- It is understood that the mined aggregate will be taken North by conveyor to the Wattenberg/Platte Valley facility in Weld County and the impact State Highway 7 will be low. If this is incorrect, we will want to review the updated Traffic Study.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1

P 303.757.9891  |  F 303.757.9886
2829 W. Howard Pl. 2nd Floor, Denver, CO  80204
steven.loeffler@state.co.us  |  www.codot.gov  |  www.cotrip.org
Greg Barnes

From: Loeffler - CDOT, Steven <steven.loeffler@state.co.us>
Sent: Wednesday, October 7, 2020 3:17 PM
To: Greg Barnes
Subject: Re: For Review: Tucson South (EXG2020-00001)

Please be cautious: This email was sent from outside Adams County

Greg,

I have reviewed the comment response document for Tucson South and my previous comments have been addressed. I have no additional comments.

Thank you for the opportunity to review this response.

Steve Loeffler
Permits Unit- Region 1

P 303.757.9891 | F 303.757.9886
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org

On Thu, Sep 24, 2020 at 8:34 AM Greg Barnes <GJBarnes@adcogov.org> wrote:

This notice is to inform you that Adams County has received a response to comments that you provided on a land use case. The case is Tucson South (EXG2020-00001). You may review the responses at the following link:

https://www.adcogov.org/planning/currentcases

If you would like to provide additional comments after reviewing these responses, please e-mail them to gjbarnes@adcogov.org on or before Thursday, October 15, 2020 at 2:00 p.m.

Thank you!
August 25, 2020

Greg Barnes
Adams County Planning & Development Department
Transmission via email: CBarnes@adcogov.org

Re: Aggregate Industries - WCR, Inc.- Conditional Use Permit
    Case no. EXG2020-00001
    Sec. 1, T1S, R67W, 6th P.M.
    Water Division 1, Water District 2

Dear Mr. Barnes,

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The applicant (Aggregate Industries-WCR, Inc.) requests an amendment to the original conditional use permit for a sand and gravel mine (EXG2004-004), to allow a change in the planned use from wet mining, onsite crushing and screening plants, sales yards, and truck transport of mined materials to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes (M2004-051). Additionally, a 24-acre parcel, known as the “South Parcel” is in a process of being removed from the Division of Reclamation, Mining and Safety (“DRMS”) permitted boundary.

According to our records the Tucson South mine site is permitted by the DRMS under permit no. M2004-044. Depletions resulting from evaporation and mining operations at the site are replaced under a combined Substitute Water Supply Plan, currently valid through December 31, 2020, if not extended. The applicant must maintain a valid Substitute Water Supply Plan until such time as all depletions are replaced or obtain a court-decreed plan for augmentation to cover depletions at the mining site. In addition, the Applicant must maintain a valid well permit for the site.

If stormwater runoff is intercepted by this mining operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours. This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need to make replacements for evaporation.

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

Joanna Williams, P.E.
Water Resource Engineer

Ec: Project No. 27265
September 3, 2020

Greg Barnes
Adams County Community and Economic Development Department
Development Services Division
GJBarnes@adcogov.org

Subject: Tucson South EXG2020-00001
Adams County, CO; CGS Unique No. AD-21-0001

Dear Greg:

Colorado Geological Survey has reviewed the Tucson South EXG2020-00001 referral. I understand the applicant requests a conditional use permit to allow extraction of sand and gravel in the A-1 zone district. Permitting and revisions to this mining and reclamation plan are processed by the Colorado Division of Reclamation, Mining, and Safety (DRMS) under file no. M2004044. Reclamation plans involve water storage reservoirs with proposed normal high water elevations of 4954.7 ft. (Reservoir A) and 4953.4 ft. (Reservoir B), according to CUP Application Exhibit F, West Area and East Area Reclamation Plans (Tetra Tech, July 17, 2020).

The available referral documents include an Updated Tucson South Proposed Gravel Mine Slope Stability Analysis; Tetra Tech Job No. 200-23514-18004 (November 9, 2018), and Slope Stability and Setback Updates, July 3, 2019; Tetra Tech Job No. 200-23514-18004 (updated September 16, 2019). Tetra Tech’s slope stability analyses and setback recommendations are valid, but only active mining (dewatered) conditions appear to have been modeled. I am concerned about stability of slopes, and improvements along the slope setback, under saturated conditions. Once the reservoirs fill, water levels will be higher than water levels used in Tetra Tech’s models, and factors of safety will probably be lower.

CGS recommends that the County require additional stability analysis to verify that the proposed reservoir slopes will be stable under saturated conditions. Since water levels in water storage reservoirs fluctuate, stability should be modelled using saturated slopes but lowered water level conditions.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist
October 15, 2020

Greg Barnes  
Adams County Community and Economic Development  
Development Services Division  
GJBarnes@adcogov.org

Subject: **Tucson South EXG2020-00001**  
Adams County, CO; CGS Unique No. AD-21-0001-2

Dear Greg:

Colorado Geological Survey has reviewed the Tucson South EXG2020-00001 resubmittal and responses to comments, including an Aggregate Industries-WCR, Inc. Response to Colorado Geological Survey Review Comment on Tucson South EXG2020-00001 Referral (September 23, 2020).

The Tucson South applicant's 9/23/2020 response to comments is intended to address my 9/30/2020 review comments regarding post-reclamation reservoir slope stability under a drawdown condition. The applicant is correct that this analysis is not within the scope of DRMS review, since it is a post-mining, post-reclamation stability concern. However, it is relevant to the long-term stability and viability of the project as proposed, and therefore is within the scope of CGS review.

Since the lined water storage reservoirs are components of the post-reclamation project plans, and Tucson Street is proposed to remain a public road, **CGS continues to recommend that the county require stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment**, to verify that the proposed slopes below Tucson Street will be stable under all conditions, or to determine a stable slope configuration.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.  
Engineering Geologist
September 3, 2020

Mr. Greg Barnes  
Community & Economic Development Department  
4430 South Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601-8218

Re: Tucson South, EXG2020-00001

Dear Mr. Barnes:

Thank you for the opportunity to comment on the proposed conditional use permit for the Aggregate Industries Mining, for extraction and disposal of gravel in an Agricultural-1 zone district. The various parcels that are covered by the Conditional Use Permit are owned by Aggregate Industries Mining, City of Thornton and City of Aurora, and comprise a total of approximately 415-acres. The South Platte River intertwines with portions of the eastern portion of the property. The property is bounded on the north by Adams County-Weld County line, and various parcels of private and local government properties. The property is bounded on the east by various government properties, private properties and the South Platte River. The southern boundary of the property is a mixture of Highway 7, government properties, private properties, and United Power Incorporated property. The western boundary of the property is various parcels of private property, Brighton Ditch, Bratner Ditch, and United Power Incorporated property.

The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado’s natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority. Current CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat. The emphasis of CPW’s concerns is on large acreages, critical habitats, wildlife diversity, and impacts to species of special concern, or those that are state or federally endangered.

CPW would expect to find small passerine birds, deer, wild turkeys, and small ground dwelling mammals, including possibly black-tailed prairie dogs, within the property boundaries or in the vicinity of the property. Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.

Water Sources
If heavy equipment is used near any water source, including the South Platte River, Brighton Ditch, or Brantner Ditch (that was used in another stream, river, lake, reservoir, pond, or wetland), one of the following disinfection practices is necessary prior to construction to prevent the spread of New Zealand mud snails, zebra mussels, quagga mussels, whirling disease, and any other aquatic invasive species into this drainage. These practices are also necessary after project completion, prior to this equipment being used in another stream, river, lake, reservoir, pond, or wetland:

- Remove all mud, plants, debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water. Keep equipment moist for at least 10 minutes OR
- Remove all mud, plants and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 140 degrees F for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water with one of the above options as well. Do not move water from one water body to another. Be sure equipment is dry before use.

**Burrowing Owls**

If prairie dog towns are present on the site or if prairie dogs establish themselves on the property prior to any development - CPW recommends that a burrowing owl survey be conducted prior to earth moving. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by state and federal laws, including the Migratory Bird Treaty Act. A copy of a burrowing owl survey can be obtained from CPW.

If prairie dogs are present at the site or if prairie dogs establish themselves on the property prior to any development and the developer wants to relocate the prairie dogs, CPW requires the developer to obtain a relocation permit prior to starting any relocation efforts. CPW allows prairie dogs to be relocated to another suitable wild habitat, a license raptor rehabilitation center or to the United States Fish and Wildlife Service Black-footed Ferret Recovery Program. The developer is not allowed to relocate prairie dogs without obtaining a relocation permit. Relocation requirements and an application for a prairie dog relocation can be obtained from CPW.

If you have any questions or concerns on this project, please feel free to contact District Wildlife Manager Jordan Likes at (303) 291-7135.

Sincerely,

Matt Martinez
Area Wildlife Manager

Cc: M. Leslie, K. Cannon, J. Likes
I spoke with Christine Felz from Lafarge Holcim/Aggregate Industries today about their plans to install a conveyor belt underneath 168th Ave, just west of the Platte River. The two items of concern that the Promontory District has are:

1. The depth of the conveyor belt underneath 168th Avenue.
2. The timeframe of the use for the conveyor belt.

Ms. Felz said that the conveyor belt would be a minimum of 10' feet deep and that the conveyor belt would only be used for an 8 year period, with no timeframe extensions, after they get ADCO approval (hopefully late 2020).

With a 10' minimum depth and an 8-year timeframe, the Promontory District has no objections with the Lafarge Holcim/Aggregate Industries request to install a conveyor belt underneath 168th Avenue.

If you have any questions, please feel free to contact me.

Very Truly Yours,

J.R. Osborne
Promontory Metropolitan District President
303-880-6410
September 4, 2020

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Aggregate Industries Tucson South, EXG2020-00001
TCHD Case No. 6430

Dear Mr. Barnes

Thank you for the opportunity to review and comment on the conditional use permit to allow extraction located near 12255 East 160th Avenue, north of Highway 7 and west of Kuner Road. The case referral materials indicate that the revised plan does not include activities previously planned, including crushing, screening, sales, and truck transport. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

Air Pollution
Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease.

Permit Required
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant’s air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility’s air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at [https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry](https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry).

Fugitive Dust
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at [https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry](https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry).
Air Quality Monitoring and Modeling
The case referral materials indicate that a third party consultant will conduct an air modeling analysis and will commit to installing two real time air quality monitors on site. Data from these monitors will be transmitted monthly to Adams County. TCHD supports air quality monitoring in order to study and analyze sources of pollution, and implement controls to decrease air pollution. TCHD applauds the applicant for making this information available to Adams County and encourages a data sharing platform that would allow for sharing real time data in a timely manner.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD’s comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD
October 9, 2020

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Aggregate Industries Tucson South, EXG2020-00001
TCHD Case No. 6516

Dear Mr. Barnes

Thank you for the opportunity to review and comment on a resubmittal of a conditional use permit to allow extraction located near 12255 East 160th Avenue, north of Highway 7 and west of Kuner Road. The case referral materials indicate that the revised plan does not include activities previously planned, including crushing, screening, sales, and truck transport. Tri-County Health Department (TCHD) staff previously reviewed the application and provided the comments below in a letter dated September 4, 2020. TCHD received a response from the applicant, dated September 8, 2020 and the applicant has responded to our comments satisfactorily.

Air Pollution
Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease.

Permit Required
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant’s air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility’s air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry

Fugitive Dust
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at
Air Quality Monitoring and Modeling

The case referral materials indicate that a third party consultant will conduct an air modeling analysis and will commit to installing two real time air quality monitors on site. Data from these monitors will be transmitted monthly to Adams County. TCHD supports air quality monitoring in order to study and analyze sources of pollution, and implement controls to decrease air pollution. TCHD applauds the applicant for making this information available to Adams County and encourages a data sharing platform that would allow for sharing real time data in a timely manner.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD’s comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD
September 6, 2020

Adams County Community & Economic Development Department
4430 South Adams County Parkway
1st Floor, Suite W2000B
Brighton, CO 80601-8218

Re: EXG2020-00001 – Tucson South

Dear Greg Barnes:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the EXG2020-00001 – Tucson South. After review of the information, United Power, Inc. has no concerns or objection to the proposed conditional use permit to allow extraction use in the A-1 zone district, contingent upon United Power’s ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

We look forward to safely and efficiently providing reliable electric power and outstanding service.

Thank you,

Samantha Riblett
United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com
September 9, 2020

Adams County Community and Economic Development Department  
4430 South Adams County Parkway, 3rd Floor, Suite W3000  
Brighton, CO 80601

Attn: Greg Barnes

Re: Tucson South, Case # EXG2020-00001

Public Service Company of Colorado’s (PSCo) Right of Way & Permits Referral Desk has determined there is a possible conflict with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company’s easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the conditional use documentation, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement (via website www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com).

PSCo also has natural gas distribution facilities running along Tucson Street, 168th Avenue and 160th Avenue.

Donna George  
Right of Way and Permits  
Public Service Company of Colorado / Xcel Energy  
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com
Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 09/08/2020

Email: gjbarnes@adcogov.org

Resubmittal Required

PLN01: The application is for a Conditional Use Permit within the A-1 zone district with NRCO overlay to allow for extraction use. The site is heavily impacted by floodplain and floodway.

AI Response: Acknowledged

PLN02: My apologies if my comments are already addressed in your submittal. When over 900 pages of material is submitted, it becomes difficult for the public, agencies, and our staff to adequately review the information. Please consider being more concise and remove duplicate information from your resubmittal.

AI Response: Based on comments received for application RCU2019-0002 as well as our neighborhood outreach and conceptual review comments for the current application, Aggregate wanted to ensure the application contained comprehensive information and studies addressing all the comments. In order to make the application easier to review and find information, however, Aggregate took care to remove duplicate information, create a Table of Contents, create clear references to supplemental studies, and provide an executive summary and FAQ sheet. Please see the attached Applications Materials 03 (A03) for a revised executive summary that includes links to specific locations within the larger application document and supplemental materials for ease of accessing additional information.

PLN03: I would like to see a summarized description of process and timeline. You say that there will be no trucking, yet there are hauling roads. Clearly some hauling has to occur to construct the berms. What is the timing of berm installation? Timing of conveyor installation? Are there metrics that will be met to ensure the eight ear timeline?

AI Response: Please see Supplemental Materials 21 (S21) for a detailed description of the pre-mining process and timeline. This summary separates the pre-mining construction work from the mining operations in order to show the equipment, personnel, and timing for each phase. This timeline outlines the specific time periods to complete construction of the conveyor systems, slurry wall, berms, landscaping, and environmental monitoring systems studies. Berm construction will utilize on-site materials and will only require transportation of materials within each cell utilizing equipment shown on the summary via the referenced internal roads. Slurry wall installation will utilize bentonite that is delivered to the site in 1,000 – 2,000 lb bags via a flatbed delivery truck. No off-site hauling trucks will be needed for delivery of the bentonite materials, and only traffic related to construction vehicles incidental to the above pre-mining construction tasks will occur. Aggregate will agree to a condition of approval that these pre-mining construction tasks will be completed within 12 months of approval of this application.

Immediately upon completion of these tasks Aggregate will commence mining operations subject to an eight-year completion date. To ensure the eight-year timeline will be met, Aggregate will agree to a condition of approval requiring the project be complete, including reclamation, within eight years after completion of the conveyor installation, with no allowance...
for extensions. Aggregate’s reclamation bond, which was required as part of our DRMS permit, insures completion of the project including reclamation.

PLN04: What happens in 2028 if the work isn’t done? What guarantees can be placed to ensure that promises are being kept?

AI Response: To provide clarity and certainty as to the length of the pre-mining construction activities, Aggregate has provided Supplemental Materials 21 (S21). Aggregate will agree to a condition of approval requiring these activities be complete in 12 months of approval of this application and a condition of approval requiring the project be complete, including reclamation, within eight years after completion of the conveyor installation, with no allowance for extensions.

PLN05: Plans for reclamation don't show detail of fence or trail that are mentioned in your application. We will want to see these.

AI Response: Please see attached Supplemental Materials 23 (S23) which provides a narrative of the proposed fence, trail, and landscaping. It is Aggregate’s understanding the County will approve final plans for flood-friendly fencing, and landscaping as part of the post-approval construction permitting process.

PLN06: After reclamation, how will landscaping be irrigated and maintained?

AI Response: After reclamation, the trail easement owner will assume responsibility for landscaping irrigation and maintenance. A variety of plants will be selected which, once established, should not require continued irrigation. Should permanent irrigation be desired by the easement holder, water can be supplied by way of wells, surface water or municipal water lines. It is important to note that Aggregate’s landscaping plans specifically include the water conservation goals of the Colorado Water Plan and local water conservation plans. The City of Brighton Parks Department has provided a list of desired plant species from their Open Space Standards and Specifications document, which are in alignment with Aggregate’s plans. Aggregate will continue to work with Adams County Open Space and the City of Brighton Parks Department to accommodate their desired vegetation and irrigation.

PLN07: Criterion #4 of the approval criteria for conditional use permits states that the conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County. In making this determination, the Planning Commission and the Board of County Commissioners shall find, at a minimum, that the conditional use will not result in excessive traffic generation, noise, vibration, dust, glare, heat, smoke, fumes, gas, odors, or inappropriate hours of operation. Based on the surrounding area, presence of floodplain, and proximity to heavily populated areas into Brighton, there are concerns that this criterion will not be met.

AI Response: Aggregate appreciates the County’s concerns that the use will meet this criterion, and believes it has made significant changes to this application to proactively address these concerns in a creative way. Specifically, not only has the South Parcel been eliminated from the DRMS permit and this application, but this valuable piece of property will be conveyed to either Brighton or Adams County to provide a benefit to all Adams County and Brighton residents as an open space that is an extension of Brighton Parks’ long-term plans.
Additionally, Aggregate has worked with the County to identify floodplain-friendly farm-style fencing to be used both during and after the mining operation and reclamation, and is working on living screening options for Highway 7. The exact fence style will be determined in conjunction with the County, after this application is approved.

To mitigate impacts to the surrounding area of excessive traffic generation, Aggregate has eliminated the previously-proposed 400 daily truck trips to transport mined material to the processing facility, and will instead exclusively use a conveyor system. This conveyor system will also mitigate dust, noise, fumes, and odors associated with truck hauling and alleviate adverse impacts to the County roads and bridges, and the neighborhood’s safety concerns associated with heavy truck traffic.

To further address compatibility concerns associated with dust, air quality monitoring has been taken to a new level in this application. Through the use of third party air modeling, Aggregate has identified critical locations for the placement of air monitoring equipment to maximum areas of impact based on dispersion modeling. Such monitors are especially well suited for evaluating fugitive particulate concentrations, and are widely used by agencies and industry alike for compliance impacts. Wind stations will be installed with the monitors and will report wind speed and direction, with monthly results provided to Adams County. In their comments, Tri-County Health recognized and applauded Aggregate for these improvements to the application.

Finally, Aggregate will agree to a condition of approval that limits its hours of operation to 7 am to 7 pm Monday through Saturday, closed Sundays and holidays, and a reduction of the total time period for mining and reclamation to eight years after completion of the conveyor installation.

PLN08: I would like to know more about conveyor. Will it generate noise? What will it look like? I believe that the application only provides detail on the road crossing.

AI Response: Aggregate anticipates utilizing a conveyor for this project with belt material that minimizes noise. Based on sound decibel measurements within close proximity to the proposed conveyor, noise impacts at all points along the conveyor route will be below noise standards applicable to the A1 zone. Since sound attenuates quickly with distance, any conveyor noise will likely blend into pre-existing background levels at the property lines.

It is also important to note any private property on which the conveyor will be placed, will be subject to comprehensive agreements assuring specific performance standards are met by Aggregate, to the satisfaction of the landowner.

Please see Supplemental Materials 22 (S22) for a rendering of the conveyor along with pictures of the actual conveyor that will be installed.

PLN09: When will conveyor easements be secured and finalized? What is the likelihood that the conveyor will need to be relocated?

AI Response: Easement negotiations for the two proposed conveyor routes are continuing. Aggregate will agree to a condition of approval that the conveyor location and easements be finalized, and the conveyor installation be complete no later than 12 months after approval of this application. The conveyor will not be relocated once installed.
PLN10: Is there any opportunities for displacing the floodplain to allow for berming along Highway 7? Can screening be achieved by breakaway fencing?

AI Response: Berming will only be located outside of the floodplain. Screening within the floodplain and floodway will be achieved using a combination of plants and fencing. Aggregate will provide landscaping plans for the County’s review during the Floodplain Use Permit process. In the interim, please see the attached Supplemental Materials 23 (S23) for a more detailed explanation of the proposed landscaping.
Commenting Division: Development Engineering Review

Name of Reviewer: Matthew Emmens

Date: 09/04/2020

Email: memmens@adcogov.org

Resubmittal Required
Review complete with comments. See doc # 6097935. Re-submittal required.

Commenting Division: ROW Review

Name of Reviewer: Mark Alessi

Date: 09/02/2020

Email: 09/02/2020

Resubmittal Required
ROW1: Tucson Street is classified as a collector street per the 2012 Adams County Master Transportation Plan. As such it should have a half right-of-way width of 40 feet (80ft for full street). Submit legal description and exhibit of right of way dedication.

AI Response: The legal descriptions and exhibits for right of way dedications were submitted with the application on July 30, 2020. Please see Supplemental Materials 20 (S20).

ROW2: The applicant has indicated on the site plan submitted that they will be dedicating additional right of way to bring Tucson Street up to collector width standards.

AI Response: Please see the dedication of additional right of way in Supplemental Materials 20 (S20).

ROW3: Services of a licensed Professional Land Surveyor should be secured to create the plat.

AI Response: A licensed Professional Land Surveyor was used to create the plat. Please see the signed and stamped legal descriptions and exhibits in Supplemental Materials 20 (S20).

ROW4: Submit legal description and exhibit of right of way dedication.

AI Response: Aggregate revised the ROW legal descriptions and exhibits to show easements and easement dimensions within the dedicated ROW, as requested. Signed and stamped versions will be provided after approval, prior to the ROW dedication. Please see Supplemental Materials 20 (S20).
Recommended Conditions of Approval:

1. The applicant will install two (2) continuous, real-time Particulate Matter (PM) monitors along the southwest and northeast property line that are capable of providing real-time emissions data for PM-2.5, PM-10 and Total-PM to monitor fugitive dust during all project phases including site preparation and active mining.

   AI Response: Acknowledged and Agreed.

2. The applicant shall report any documented exceedance of the 24-hour ambient air quality standard for particulate matter to the Adams County Environmental Program Manager within 8-hours of such occurrence. Concurrent APCD notification may be required.

   AI Response: Acknowledged and Agreed.

3. The applicant shall co-locate wind gauges with data logging capabilities to track wind speed and direction with the PM monitors.

   AI Response: Acknowledged and Agreed.

4. Records of wind speed and direction shall be included in the monthly air monitoring reports provided to Adams County Environmental Program Manager.

   AI Response: Acknowledged and Agreed.

5. Mining and material moving operations shall cease when sustained wind speeds equal or exceed 25 mph or when wind gusts exceed 35 mph.

   AI Response: Acknowledged and Agreed.

6. Records of high wind speed shutdowns shall be maintained and included in the monthly air monitoring report submitted to Adams County, as applicable.

   AI Response: Acknowledged and Agreed.

7. The applicant shall provide Adams County notification of all complaints received pertaining to offsite impacts and resolution of such complaints as part of the monthly air monitoring report, as applicable.

   AI Response: Acknowledged and Agreed.
8. The applicant will provide the County with a copy of the Annual Reclamation Report as submitted to the Division of Reclamation and Mining, and Safety.

   AI Response: Acknowledged and Agreed.

9. If any construction is planned to occur between October 15th and July 31st, raptor and bald eagle surveys shall be conducted by a qualified biologist prior to disturbance. Survey reports shall be provided to both Adams County prior to commencement of mining operations.

   AI Response: Acknowledged and Agreed.

10. If additional raptor nests are discovered or activity status changes, impacts to nest locations shall be minimized using the buffer zones and seasonal restrictions approved by CPW (2020).

   AI Response: Acknowledged and Agreed.

11. A permanent, dedicated oil and gas well maintenance and work-over setback of not less than fifty (50) feet in width and 100 feet in length shall be established for each plugged and abandoned well within the project boundaries. There shall be public access for ingress and egress to the setback of not less than twenty feet.

   AI Response: This requirement is not applicable as Aggregate will provide documentation from the well owner that all subsurface equipment has been removed and the well abandoned at a depth such that our mining operations will not impact the plugged and abandoned well.

12. The applicant shall obtain a separate inert fill permit prior to importing additional fill material if necessary to complete mined area reclamation.

   AI Response: Acknowledged and Agreed.
Commenting Division: Environmental Analyst Review

Name of Reviewer: Katie Keefe

Date: 08/28/2020

Email:

Comment

ENV1. There are two plugged and abandoned oil and gas wells owned by Great Western Operating Company located within the proposed mining project limits. Well API 00106980 is located within the western portion of parcel 0157101300002 and well API 00107140 is located along the northwest edge of parcel 0157101100002.

AI Response: This requirement is not applicable as Aggregate will provide documentation from the well owner that all subsurface equipment has been removed and the well abandoned at a depth such that our mining operations will not impact the plugged and abandoned well.

ENV2. For site-specific development plans which contain plugged and abandoned wells, there shall be a dedicated well maintenance and workover setback for each well, the dimensions of which shall be not less than fifty feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than twenty feet.

AI Response: This requirement is not applicable as Aggregate will provide documentation from the well owner that all subsurface equipment has been removed and the well abandoned at a depth such that our mining operations will not impact the plugged and abandoned well.

ENV3. Meteorological station/wind gauge capable of logging both wind speed and direction shall be co-located with PM monitors.

AI Response: Acknowledged and Agreed.

ENV4. A requirement to provide to the County as part of the monthly air monitoring reports, associated wind data, records of high-speed wind shutdown periods, and information on the resolution of complaints pertaining to off-site impacts will be recommended as a condition of approval.

AI Response: Acknowledged and Agreed.

ENV5. AI should also consult with Adams County Open Space and Parks Department, local NRCS district office and consider consulting with Colorado Native Plant Society in regard to tree and plant selection and appropriate native grass seed mix for site restoration.

AI Response: AI is working with the City of Brighton Parks Department, Adams County Open Space, and a landscape architect to select plants for the trail easement. The native grass seed mix for site restoration was developed in coordination with a local reclamation seeding expert. AI will also consult with the local NRCS district office and the Colorado Native Plant Society for recommendations on appropriate grass, plant, and tree selections.
Commenting Division: Environmental Analyst Review
Name of Reviewer: Katie Keefe
Date: 08/28/2020
Email:

ENV6. The applicant has stated all backfill materials necessary for site reclamation will come from on-site mining activities. Please note that a separate inert fill permit must be obtained prior to importing additional fill materials that may be necessary to complete reclamation activities.

AI Response: Acknowledged and Agreed.

Commenting Division: Parks Review
Name of Reviewer: Aaron Clark
Date: 08/24/2020
Email: aclark@adcogov.org

Complete

PRK1: Parks is pleased that the parcel south of Highway 7 has been removed from consideration for mining in this case. Regarding the question of donating the parcel to the County, Parks is open to discussing this.

AI Response: AI has reached out to Adams County Open Space to schedule a meeting discussing the donation of the south parcel.
Commenting Division: Planner Review
Name of Reviewer: Greg Barnes
Date: 08/13/2020
Email: gjbarnes@adcogov.org External Agencies Selected
ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H & 08001C0326H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, a portion of the project site is located within a special flood hazard delineated area; If construction activity occurs in this area of the project site, A floodplain use permit will be required.

**AI Response:** Acknowledged and Agreed.

**County Response:** Comment closed.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area; and Adams County Stormwater (SWQ) Permit will not be required. The installation of erosion and sediment control BMPs are expected.

**AI Response:** Acknowledged and Agreed.

**County Response:** Comment closed.

ENG3: The Trip Generation Letter (TGL) submitted with the application has been reviewed. Although County Staff is in agreement with the methodology used in the TGL, it is hard to believe that there will only be 6 employees working on this site. Will there be visits by supervisors, inspectors, equipment repair crews, how often will water trucks be visiting the site? Please add more information about the site operations so that staff can determine if the trip generation is acceptable.

**AI Response:** Please see the attached **Supplemental Materials 21 (S21)** for additional details on pre-mining construction activities, including equipment and employees. As provided for in the TGL, there will be only six dedicated on-site employees once mining operations commence.

**County Response:** Supplemental Materials 21 (S21) was not found in the resubmittal materials. The Appendix table included with “Tucson South Resource Conditional Use Permit Project Description” document only goes to “Supplemental Materials 20 – Right of Way Dedications.”

**AI Response:** Supplemental Materials 21 (S21) was submitted with Al’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Supplemental Materials 21 (S21) was located at page 119 of 126 of the submittal. Al will email this response and Supplemental Materials 21 (S21) directly to Matt Emmens.

There will be 6 dedicated, full-time employees working on this site. The following is a list of additional potential visits and the expected frequency:

<table>
<thead>
<tr>
<th>Title</th>
<th>Anticipated Frequency of Visit</th>
<th>Vehicle Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Supervisor</td>
<td>1-2 visits/day</td>
<td>Pick-up truck</td>
</tr>
<tr>
<td>Operations Manager</td>
<td>1-2 visits/week</td>
<td>Pick-up truck</td>
</tr>
<tr>
<td>Portable toilet services</td>
<td>1 visit/week</td>
<td>Vacuum truck</td>
</tr>
<tr>
<td>Mechanic</td>
<td>1 visit/week</td>
<td>Service truck</td>
</tr>
<tr>
<td>Electrician</td>
<td>1 visit/week</td>
<td>Pick-up truck</td>
</tr>
</tbody>
</table>
Fuel delivery 1 visit/week Fuel truck
Safety Manager 2 visits/quarter SUV
Environment/Land Manager 2 visits/quarter SUV

County Response: The additional information has been received and does resolve the concerns above. Comment Closed

ENG4: The developer is responsible for the repair or replacement of any County infrastructure that is broken or damaged because of the operations.
AI Response: Acknowledged and Agreed.
County Response: Comment closed.

ENG5: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.
AI Response: AI is not proposing to install over 3,000 square feet of impervious area on the project site. In fact, the site will remain entirely pervious except for movable blocks or timbers used to set feeders for belts.
County Response: Comment closed.

ENG6: The submittal documents indicate that the site will be served by several conveyor belts. The locations of the conveyor belts are not clearly shown. Revise the plans to clearly indicate where the conveyor belts will be located and exactly where the below grade roadway crossings will be located.
AI Response: Please refer to Application Materials 04 (A04) for revised site plans with benchmarks showing the distance the conveyor will be located from the property line.
County Response: Application Materials 04 (A04) could not be found in the resubmittal materials (nothing was labeled A04). Sheet F2 “West Area Reclamation Plan” identifies a conveyor route through one side of the site but, does not show where the crossings of Tucson St and 160th Ave are proposed to be located.
AI Response: Application Materials 04 (A04) was submitted with AI’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Application Materials 04 (A04) was located at page 97 of 126 of the submittal. However, AI has further revised the A04 Site Plans to address comments made by Greg Barnes during this review cycle. Please see the revised Application Materials 04 (A04) for the conveyor belt locations. AI will email this response and Application Materials 04 directly to Matt Emmens.
County Response: Location of conveyor is now clearly shown on the construction plans. The location of the conveyor is on the west side of Tucson St and, a potential conveyor route is shown on the east side of Tucson St. If a conveyor will not be installed on the east side of Tucson St, how will the material get to the conveyor on the west side of Tucson St?

If haul trucks will be crossing Tucson St or, otherwise entering the County right-of-way (ROW), a Roadway Maintenance Agreement will be required prior to haul trucks using the County ROW. This will be included as a Condition of Approval.
Comment Closed
ENG7: As mentioned, the site is to be served by several conveyor belts that will take six (6) months to construct. Will there be any hauling of material before the conveyor belts become operational?

AI Response: There will be no off-site hauling of mined material to the processing plant at any time during the operation of the mine, even prior to conveyor installation. Please see **Supplemental Materials 21 (S21)** for a detailed description of the pre-mining construction and timeline, which addresses on-site transportation of overburden material for berm construction, delivery of bentonite for slurry wall construction via flatbed delivery trucks, and delivery of landscaping materials. Aggregate will agree to a condition of approval that mined materials will only be conveyed off-site for processing via the system of proposed conveyors.

County Response: Supplemental Materials 21 (S21) was not found in the resubmittal materials. The Appendix table included with “Tucson South Resource Conditional Use Permit Project Description” document only goes to “Supplemental Materials 20 – Right of Way Dedications.”

AI Response: Supplemental Materials 21 (S21) was submitted with AI’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Supplemental Materials 21 (S21) was located at page 119 of 126 of the submittal. AI will email this response and Supplemental Materials 21 (S21) directly to Matt Emmens.

County Response: Comment Closed.

ENG8: Prior to the commencement of any type of operations, including site preparations, clearing and grubbing, staging of equipment, etc. The applicant must submit for review and approval all construction documents (i.e. site grading plans, conveyor belt construction plans, erosion and sediment control plans, traffic impact study’s, drainage reports, etc).

AI Response: Acknowledged and Agreed.

County Response: Comment closed.

ENG9: All roadway accesses from E 168th Ave and Tucson St. into the development must be permitted by the County. Access permits will be reviewed and approved with the Engineering Review of the site construction documents (See Comment ENG8 above). The County would prefer to limit access to this development. Preferably the County would allow one access to be permitted off E 168th Ave (for both parcels) and two access points off Tucson St. (one on either side of the roadway and facing each other). However, the Fire District may require additional access points. If the District does require additional accesses to the properties, a letter or map, from the District, showing where the additional access should be located must be submitted to the County.

AI Response: Acknowledged and Agreed.

County Response: Comment closed.

ENG10: The responses to the above comments includes reference to materials that are supposed to be included in the resubmittal package but, nothing is labeled. The resubmittal should have all of the materials labeled so they can be found and confirmed.

UPDATE: All documents have been received.
 Aggregate Industries Tucson South Resource Case #
EXG2020-00001

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H & 08001C0326H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, a portion of the project site is located within a special flood hazard delineated area; If construction activity occurs in this area of the project site, A floodplain use permit will be required.

AI Response: Acknowledged and Agreed.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County's MS4 Stormwater Permit area; and Adams County Stormwater (SWQ) Permit will not be required. The installation of erosion and sediment control BMPs are expected.

AI Response: Acknowledged and Agreed.

ENG3: The Trip Generation Letter (TGL) submitted with the application has been reviewed. Although County Staff is in agreement with the methodology used in the TGL, it is hard to believe that there will only be 6 employees working on this site. Will there be visits by supervisors, inspectors, equipment repair crews, how often will water trucks be visiting the site? Please add more information about the site operations so that staff can determine if the trip generation is acceptable.

AI Response: Please see the attached Supplemental Materials 21 (S21) for additional details on pre-mining construction activities, including equipment and employees. As provided for in the TGL, there will be only six dedicated on-site employees once mining operations commence.

ENG4: The developer is responsible for the repair or replacement of any County infrastructure that is broken or damaged because of the operations.

AI Response: Acknowledged and Agreed.

ENG5: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

AI Response: AI is not proposing to install over 3,000 square feet of impervious area on the project site. In fact, the site will remain entirely pervious except for movable blocks or timbers used to set feeders for belts.
ENG6: The submittal documents indicate that the site will be served by several conveyor belts. The locations of the conveyor belts are not clearly shown. Revise the plans to clearly indicate where the conveyor belts will be located and exactly where the below grade roadway crossings will be located.

AI Response: Please refer to Application Materials 04 (A04) for revised site plans with benchmarks showing the distance the conveyor will be located from the property line.

ENG7: As mentioned, the site is to be served by several conveyor belts that will take six (6) months to construct. Will there be any hauling of material before the conveyor belts become operational?

AI Response: There will be no off-site hauling of mined material to the processing plant at any time during the operation of the mine, even prior to conveyor installation. Please see Supplemental Materials 21 (S21) for a detailed description of the pre-mining construction and timeline, which addresses on-site transportation of overburden material for berm construction, delivery of bentonite for slurry wall construction via flatbed delivery trucks, and delivery of landscaping materials. Aggregate will agree to a condition of approval that mined materials will only be conveyed off-site for processing via the system of proposed conveyors.

ENG8: Prior to the commencement of any type of operations, including site preparations, clearing and grubbing, staging of equipment, etc. The applicant must submit for review and approval all construction documents (i.e. site grading plans, conveyor belt construction plans, erosion and sediment control plans, traffic impact study’s, drainage reports, etc).

AI Response: Acknowledged and Agreed.

ENG9: All roadway accesses from E 168th Ave and Tucson St. into the development must be permitted by the County. Access permits will be reviewed and approved with the Engineering Review of the site construction documents (See Comment ENG8 above). The County would prefer to limit access to this development. Preferably the County would allow one access to be permitted off E 168th Ave (for both parcels) and two access points off Tucson St. (one on either side of the roadway and facing each other). However, the Fire District may require additional access points. If the District does require additional accesses to the properties, a letter or map, from the District, showing where the additional access should be located must be submitted to the County.

AI Response: Acknowledged and Agreed.
August 21, 2020  
Adams County Community and Economic Development Department 4430 S. Adams County Pkwy.  
Suite W200A Brighton, CO 80601  
Re: Aggregate Industries Mining  

(Case No. EXG2020-00001) Mr. Barnes,

On behalf of the City of Brighton, I appreciate the opportunity to comment on the proposed conditional use permit for the Aggregate Industries Mining project. The comments below are based on the Case Number EXG2020-00001 and the referral attachments sent to the City of Brighton on August 13, 2020.

The City of Brighton would appreciate the opportunity to work with Adams County and Aggregate Industries on a way to mitigate any impacts of the proposed mining operation on the City’s infrastructure and on the health, safety, and welfare of the citizens of Brighton and the surrounding area. Some of the most significant impacts to Brighton will be regarding the use of conveyors, lighting, noise, visual impacts, and hours of operation.

Based upon the Executive Summary of the Tucson South Resource Conditional Use Permit, which was attached to the August 13, 2020 referral package (the “CUP Plans”), The applicant, Aggregate Industries (AI) states that the originally proposed plans have been narrowed in scope to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes Resource Site. This will eliminate the need for truck traffic associated with the transport of mining materials. Additionally, the 24 acre south parcel (located southeast corner of Bridge Street and the Tucson Street alignment) will no longer be mined. The CUP Plans also state that the mining operations will be completed within eight (8) years from the time of conveyor installation. Hours of operation are proposed to be 7 am to 7 pm Monday through Saturday. A third party air quality consultant will be utilized to install two (2) real-time air quality monitors on the site.

Bridge Street (HWY 7) Right-of-Way Dedication:  
The City would like to ensure that AI dedicate adequate right-of-way (ROW) for the eventual expansion of Bridge Street and to take this land dedication into consideration prior to planning the site and when laying out the berms, trail, fencing, and landscaping.
Lighting:
The City requests that all lighting on the site be contained completely on site, with cut-off lighting fixtures, to prevent light from spilling off-site. In addition, the City requests that light poles be no higher than 35-feet tall within 300’ of an adjacent roadway and no higher than 50-feet tall at the interior of the site. The City also requests that the lighting levels would be limited to no more than 15 lumens per square foot in any specific spot, and no more than 100,000 lumens per gross acre (average of 2.3 lumens per gross acre), measured from between three (3) and five (5) feet above finished grade.

Landscaping and Reclamation:
In order to reduce the visual and other impacts to the City of Brighton, the City requests that all mining operations be setback 50-feet from Tucson Street and Hwy 7 in order to accommodate landscaped berms and future roadway improvement/expansion projects.

The City previously negotiated the following conditions during the mining application in 2011. We would appreciate your help in assuring that these conditions be placed on the current conditional use through the county. The City requests that the County and the operators, Aggregate Industries (AI) meet with City staff to establish a reclamation plan, including a landscaping and trails plan prior to approval of the conditional use. More specifically, the City requests the following:

- That landscaping be installed on the site during the first spring planting season, after all necessary permits for the mining are obtained. (Agreed)
- That, prior to installing the landscaping, AI work with City staff to determine the location of future trails along the Hwy 7 and Tucson Street corridors, and that AI install landscaping along these roadways in a location that will ensure that a trail can be installed in the future, without disturbing the trees and shrubs and other landscaping. (Agreed)
- That the landscaping shall have a native, irregular character to compliment the riparian corridor and shall include native and adaptive species. (Agreed)
- That AI install an irrigation system to ensure that the plantings are established, and that AI maintain the plantings during the mining and reclamation process. (Agreed)
- That AI shall install a grass berm, a minimum of 12-feet tall at the southwest corner of the property to help screen the line of sight to the north, into the mine, from Hwy 7. (Agreed)

Thank you, again, for the opportunity to comment on the proposed project. We appreciate the opportunity to work with the County’s staff and Aggregate Industries to ensure the needs and concerns of all parties are adequately addressed.

Cordially,
Good morning,

At this time the Fire District has no comments or concerns. Thank you!

Carla Gutierrez
Fire Inspector
Brighton Fire Rescue District
500 S. 4th Ave – 3rd Floor
Brighton CO 80601
www.brightonfire.org

From: Greg Barnes <GJBarnes@adcogov.org>
Sent: Thursday, August 13, 2020 3:28 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: For Review: Tucson South (EXG2020-00001)

The Adams County Planning Commission is requesting comments on the following application: conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district. This request is located near 12255 East 160th Avenue. The Assessor's Parcel Numbers are:
0157101000016, 0157101000017, 0157101000028, 0157101000033, 0157101000034, 0157101000035, 0157101002001, 0157101100002, 0157101200010, 0157101300001, 0157101300002.

Applicant Information:
CHANCE ALLEN
AGGREGATE INDUSTRIES - WCR, INC
1687 COLE BLVD
SUITE 300
GOLDEN, CO 80401

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 09/07/2020 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.
Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at [www.adcogov.org/planning/currentcases](http://www.adcogov.org/planning/currentcases). Thank you for your review of this case.

Greg Barnes  
Planner III, *Community and Economic Development Dept.*  
ADAMS COUNTY, COLORADO  
4430 S. Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601-8216  
720.523.6853  
gbarnes@adcogov.org  
adcogov.org

**Beginning July 27, 2020, my work schedule is:**
Monday – Alternating weeks of 7 am – 3:30 pm and off  
Tuesday – Friday – 7 am – 4:30 pm
Greg Barnes

From: Loeffler - CDOT, Steven <steven.loeffler@state.co.us>
Sent: Wednesday, August 19, 2020 2:54 PM
To: Greg Barnes
Cc: Bradley Sheehan - CDOT
Subject: EXG2020-00001, Tuscon South

Please be cautious: This email was sent from outside Adams County

Greg,

I have reviewed the referral request for a CUP to allow extraction use located near 12255 East 160th Avenue and have the following comments:

- A review was done by CDOT Hydraulics in 2019 of the Drainage letter for this proposed mining operation. At that time Hydraulics had no major concerns. If there have been any changes to the plan or if the drainage has been updated we would like to review a copy.

  AI Response: There have been no changes to the project that impact drainage.

- If any work is proposed in the State Highway 7 Right-of-Way a permit from our office will be required. Application can be made online at the following link: https://cdotpermits.force.com/utilitypermits/s/login/

  Thank you. AI will not be crossing or using Hwy 7 so a right of way permit is not needed.

- Any signing for this mining operation must be on premise and cannot be either partly or wholly in the state highway Right-of-Way.

  Acknowledged and Agreed.

- It is understood that the mined aggregate will be taken North by conveyor to the Wattenberg/Platte Valley facility in Weld County and the impact State Highway 7 will be low. If this is incorrect, we will want to review the updated Traffic Study.

  This is correct. No impacts to Hwy 7 are being contemplated.

Thank you for the opportunity to review this referral.

Steve Loeffler
Permits Unit- Region 1
August 25, 2020

Greg Barnes
Adams County Planning & Development Department
Transmission via email: CBarnes@adcogov.org

Re: Aggregate Industries - WCR, Inc.- Conditional Use Permit Case no. EXG2020-00001
Sec. 1, T1S, R67W, 6th P.M.
Water

Division 1, Water

District 2 Dear Mr. Barnes,

This referral does not appear to qualify as a “subdivision” as defined in Section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer’s March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide informal comments. The comments do not address the adequacy of the water supply plan for this project or the ability of the water supply plan to satisfy any County regulations or requirements. In addition, the comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

The applicant (Aggregate Industries-WCR, Inc.) requests an amendment to the original conditional use permit for a sand and gravel mine (EXG2004-004), to allow a change in the planned use from wet mining, onsite crushing and screening plants, sales yards, and truck transport of mined materials to only include onsite excavation and direct conveyance to the existing Wattenberg Lakes (M2004-051). Additionally, a 24-acre parcel, known as the “South Parcel” is in a process of being removed from the Division of Reclamation, Mining and Safety (“DRMS”) permitted boundary.

According to our records the Tucson South mine site is permitted by the DRMS under permit no. M2004-44. Depletions resulting from evaporation and mining operations at the site are replaced under a combined Substitute Water Supply Plan, currently valid through December 31, 2020, if not extended. The applicant must maintain a valid Substitute Water Supply Plan until such time as all depletions are replaced or obtain a court-decree plan for augmentation to cover depletions at the mining site. In addition, the Applicant must maintain a valid well permit for the site.

Acknowledged. Aggregate will renew its approved Substitute Water Supply Plan to cover evaporative losses and any other water use at the site, as necessary during the life of the project.

If stormwater runoff is intercepted by this mining operation and is not diverted or captured in priority, it must be released to the stream system within 72 hours.
This may require a discharge permit from CDPHE-WQCD. Otherwise, the operator will need to make replacements for evaporation.

Acknowledged and Agreed

Should you or the applicant have any questions, please contact Ioana Comaniciu at (303) 866-3581 x8246.

Sincerely,

Joanna Williams, P.E. Water Resource Engineer

Ec: Project No. 27265
September 3, 2020

Greg Barnes
Adams County Community and Economic Development Department
GJBarnes@adcogov.org

Location: Section 1, T1S, R67W, 6th P.M.
39.9926, -104.8363

Subject: Tucson South EXG2020-00001
Adams County, CO; CGS Unique No. AD-21-0001

Dear Greg:

Colorado Geological Survey has reviewed the Tucson South EXG2020-00001 referral. I understand the applicant requests a conditional use permit to allow extraction of sand and gravel in the A-1 zone district. Permitting and revisions to this mining and reclamation plan are processed by the Colorado Division of Reclamation, Mining, and Safety (DRMS) under file no. M2004044. Reclamation plans involve water storage reservoirs with proposed normal high water elevations of 4954.7 ft. (Reservoir A) and 4953.4 ft. (Reservoir B), according to CUP Application Exhibit F, West Area and East Area Reclamation Plans (Tetra Tech, July 17, 2020).

The available referral documents include an Updated Tucson South Proposed Gravel Mine Slope Stability Analysis; Tetra Tech Job No. 200-23514-18004 (November 9, 2018), and Slope Stability and Setback Updates, July 3, 2019; Tetra Tech Job No. 200-23514-18004 (updated September 16, 2019). Tetra Tech’s slope stability analyses and setback recommendations are valid, but only active mining (dewatered) conditions appear to have been modeled. I am concerned about stability of slopes, and improvements along the slope setback, under saturated conditions. Once the reservoirs fill, water levels will be higher than water levels used in Tetra Tech’s models, and factors of safety will probably be lower.

CGS recommends that the County require additional stability analysis to verify that the proposed reservoir slopes will be stable under saturated conditions. Since water levels in water storage reservoirs fluctuate, stability should be modeled using saturated slopes but lowered water level conditions.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G. Engineering Geologist
See Supplemental Materials 24 (S24) for a detailed explanation of the slope stability requirements.
September 3, 2020

Mr. Greg Barnes
Community & Economic Development Department
4430 South Adams County Parkway, 1st Floor, Suite W2000A Brighton, CO 80601-8218

Re: Tucson South, EXG2020-00001

Dear Mr. Barnes:

Thank you for the opportunity to comment on the proposed conditional use permit for the Aggregate Industries Mining, for extraction and disposal of gravel in an Agricultural-1 zone district. The various parcels that are covered by the Conditional Use Permit are owned by Aggregate Industries Mining, City of Thornton and City of Aurora, and comprise a total of approximately 415-acres. The South Platte River intertwines with portions of the eastern portion of the property. The property is bounded on the north by Adams County-Weld County line, and various parcels of private and local government properties. The property is bounded on the east by various government properties, private properties and the South Platte River. The southern boundary of the property is a mixture of Highway 7, government properties, private properties, and United Power Incorporated property. The western boundary of the property is various parcels of private property, Brighton Ditch, Bratner Ditch, and United Power Incorporated property.

The mission of Colorado Parks and Wildlife (CPW) is to perpetuate the wildlife resources of the state, to provide a quality state parks system, and to provide enjoyable and sustainable outdoor recreation opportunities that educate and inspire current and future generations to serve as active stewards of Colorado’s natural resources. Our goal in responding to land use proposals such as this is to provide complete, consistent, and timely information to all entities who request comment on matters within our statutory authority. Current CPW policy directs our efforts towards proposals that will potentially have high impacts to wildlife and wildlife habitat. The emphasis of CPW’s concerns is on large acreages, critical habitats, wildlife diversity, and impacts to species of special concern, or those that are state or federally endangered.

CPW would expect to find small passerine birds, deer, wild turkeys, and
small ground dwelling mammals, including possibly black-tailed prairie dogs, within the property boundaries or in the vicinity of the property. Due to the low availability of undeveloped habitat surrounding the site, impacts of the development, as proposed, may be characterized as minimal.

Water Sources
If heavy equipment is used near any water source, including the South Platte River, Brighton Ditch, or Brantner Ditch (that was used in another stream, river, lake, reservoir, pond, or wetland), one of the following disinfection practices is necessary prior to construction to prevent the spread of New Zealand mud snails, zebra mussels, quagga mussels, whirling disease, and any other aquatic invasive species into this drainage. These practices are also necessary after project completion, prior to this equipment being used in another stream, river, lake, reservoir, pond, or wetland:

- Remove all mud, plants, debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water. Keep equipment moist for at least 10 minutes OR
- Remove all mud, plants and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) and spray/soak equipment with water greater than 140 degrees F for at least 10 minutes.
- Clean hand tools, boots, and any other equipment that will be used in the water with one of the above options as well. Do not move water from one water body to another. Be sure equipment is dry before use.

Acknowledged - AI does not plan on working within any waterways, but acknowledges these mitigation measures if work does occur near these waterways.

Burrowing Owls

If prairie dog towns are present on the site or if prairie dogs establish themselves on the property prior to any development - CPW recommends that a burrowing owl survey be conducted prior to earth moving. Burrowing owls live on flat, treeless land with short vegetation, and nest underground in burrows dug by prairie dogs, badgers, and foxes. These raptors are classified as a state threatened species and are protected by state and federal laws, including the Migratory Bird Treaty Act. A copy of a burrowing owl survey can be obtained from CPW.

Acknowledged: Owl surveys are planned prior to any construction in accordance with CPW recommendations.

If prairie dogs are present at the site or if prairie dogs establish themselves on the property prior to any development and the developer wants to relocate the prairie dogs, CPW requires the developer to obtain a relocation permit prior to starting any relocation efforts. CPW allows prairie dogs to be relocated to another suitable wild habitat, a license raptor rehabilitation center or to the United States Fish and Wildlife Service Black-footed Ferret Recovery Program. The developer is not allowed to relocate prairie dogs without obtaining a relocation permit. Relocation requirements and an application for a prairie dog relocation can be obtained from CPW.

Acknowledged

If you have any questions or concerns on this project, please feel free to contact District Wildlife Manager Jordan Likes at (303) 291-7135.
Sincerely,

Matt Martinez
Area Wildlife Manager

Cc: M. Leslie, K. Cannon, J. Likes
Dear Matt,

I spoke with Christine Felz from Lafarge Holcim/Aggregate Industries today about their plans to install a conveyor belt underneath 168th Ave, just west of the Platte River. The two items of concern that the Promontory District has are:

1. The depth of the conveyor belt underneath 168th Avenue.
2. The timeframe of the use for the conveyor belt.

Ms. Felz said that the conveyor belt would be a minimum of 10’ feet deep and that the conveyor belt would only be used for an 8 year period, with no timeframe extensions, after they get ADCO approval (hopefully late 2020).

With a 10’ minimum depth and an 8-year timeframe, the Promontory District has no objections with the Lafarge Holcim/Aggregate Industries request to install a conveyor belt underneath 168th Avenue.

If you have any questions,

please feel free to contact me.

Very Truly Yours,

J.R. Osborne
Promontory Metropolitan District
President 303-880-6410

AI appreciates the opportunity to work with the Metro District, and will continue to do so. Based on current information neither AI nor the Metro Districts anticipates any conflicts related to the crossing on 168th Street based on proposed installation locations, depth, and timeframes of both party’s projects.
September 4, 2020

Greg Barnes
Adams County Community and
Economic Development 4430 South
Adams County Parkway, Suite
W2000A Brighton, CO 80601

RE: Aggregate Industries Tucson
South, EXG2020-00001 TCHD
Case No. 6430

Dear Mr. Barnes

Thank you for the opportunity to review and comment on the conditional use permit to allow extraction located near 12255 East 160th Avenue, north of Highway 7 and west of Kuner Road. The case referral materials indicate that the revised plan does not include activities previously planned, including crushing, screening, sales, and truck transport. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

**Air Pollution**
Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease.

**Permit Required**
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant’s air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility’s air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry

Acknowledged and Agreed. AI has an air permit in place but will update the permit as needed prior to commencement of operations.
Fugitive Dust
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/business-and-industry.

Acknowledged and Agreed.

Air Quality Monitoring and Modeling
The case referral materials indicate that a third party consultant will conduct an air modeling analysis and will commit to installing two real time air quality monitors on site. Data from these monitors will be transmitted monthly to Adams County. TCHD supports air quality monitoring in order to study and analyze sources of pollution, and implement controls to decrease air pollution. TCHD applauds the applicant for making this information available to Adams County and encourages a data sharing platform that would allow for sharing real time data in a timely manner.

Thank you for acknowledging the proactive measures AI has taken in order to demonstrate project emissions will meet all regulatory levels to protect human health and the environment. We look forward to sharing real time particulate monitoring data to assure ongoing transparency.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD’s comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch,

Monte Deatrich, TCHD
September 6, 2020

Adams County Community & Economic
Development Department 4430 South Adams
County Parkway

Re:

EXG202000001

– Tucson South

Dear Greg

Barnes:

On behalf of United Power, Inc., thank you for inviting us to review and comment on the EXG2020-00001 – Tucson South. After review of the information, United Power, Inc. has no concerns or objection to the proposed conditional use permit to allow extraction use in the A-1 zone district, contingent upon United Power’s ability to maintain all existing rights, facilities/equipment, and existing easements. This request should not hinder our ability for future expansion, including all present and any future accommodations for electrical distribution.

We look forward to safely and efficiently providing reliable electric power and outstanding service.

AI Response – Thank you for your response.

Thank you,

Samantha Riblett United Power, Inc.
Right of Way Administrative Assistant
O: 303-637-1324 | Email: platreferral@unitedpower.com
Dear Adams County Planning Commission,

I am writing this email to express my extreme concern regarding the Aggregate Industries conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district. As you know, this application, if approved, would site an open pit aggregate mining operation immediately to the west of downtown Brighton and directly between downtown Brighton and an extremely large area of Brighton that is currently undergoing new residential development. As someone with more than two decades of experience with above ground and below ground mining operations, I can tell you that despite mitigation efforts, the proposed open pit aggregate mining operation will almost certainly create both dust and noise issues for both downtown Brighton and the surrounding residential areas, both current and future. In addition, the operation will almost certainly depress real estate values during the term of its operation. While the area proposed for this operation may have been an appropriate one 10 or 15 years ago, it is no longer an appropriate area for such an operation. Brighton is growing rapidly and has a very “bright” future. At this point in time, the Adams County Planning Commission should be focused on developing this area in a manner that will benefit Brighton and its citizens as the community continues to grow, not projects that will certainly have an adverse impact on future economic development. The area in question is now much better suited to residential or commercial development, both of which would be much more compatible with the other current and planned developments in the area. It would neither be appropriate, nor responsible, for the Adams County Planning Commission (or any Planning Commission for that matter) to allow an open pit aggregate mining operation to be first established in the middle of a thriving and actively developing community.

Accordingly, I would respectfully request that the Planning Commission not approve the proposed conditional use permit for Aggregate Industries. Please include my comments verbatim in the Commission’s report and review of this case. Also, please inform me of any future public hearing dates and forward a copy of the staff report to me when available. Thank you for your time and consideration.

Sincerely,

John F. Ashburn, Jr. Attorney at Law

Dear Mr. Ashburn,

Thanks for your comments and we appreciate your concerns. The current project has been carefully evaluated by third party experts whose analysis indicates that project noise and
emissions will be below applicable regulatory levels designed to be protective of human health. Real time particulate monitoring and a twenty-four hour complaint hotline will assure ongoing compliance and transparency. Given the distance of the project away from Brighton on the other side of Highway 85 and the temporary nature of the project, no diminution of property values is expected.
Good morning,

I live in Brighton, Todd Creek Riverside. I received the letter regarding AI's application (again) for mining aggregate near my home. I strongly object to allowing this to go forward. I was so proud of the Board for denying their request back in November of last year. It felt like we had advocates who cared about the people who live here and the businesses who want to thrive here. I really hope that advocacy continues.

The trucks that already use Highway 7 and Highway 85 as their main routes continue to destroy the roads, pollute the air, and make living and commuting here a terrible experience. We've had to replace 3 windshields since living here due to the lack of consideration from truckers who don't cover their aggregate loads. As Adams County and Brighton continue to grow, the traffic has become heavier with just the residents. Adding more heavy trucks to that traffic would be a mistake and a loss for those of us who chose to make Brighton our home. We want to build something here, not just focus on revenue for the county. We want a thriving community, not an industrial center. Please don’t let industry and revenue be the primary focus in our county.

Thank you for your consideration.

Christina Cullen | Quality
Control Specialist II
Elevations Credit Union
1 Environmental Way, Broomfield
P.O. Box 9004,
Boulder, CO
80301 t:
303.443.4672
x. 1813 |

It matters where you bank.

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Please consider the environment before printing.
Dear Ms. Cullen,

Thank you for taking the time to comment on our application. Aggregate Industries heard and responded to your concerns and the concerns of others regarding truck hauling traffic last November and has positively changed the application to address these concerns. This new application has eliminated the previously-proposed 400 daily truck trips for hauling mined material via local roads, including Highway 7, to the processing facility and instead all materials will be transported via an overland conveyor system.
ATTN: Greg Barnes, Planner III

In Regards: Case Name: Tucson South
    Case

Number: EXG2020-00001

19 August 2020

Dear Mr. Barnes,

Am sending you this email in response to your Letter headed 'REQUEST FOR COMMENTS' regarding the above permit application.

Would respectively request this permit be approved.

The Letter states you will include these comments verbatim in the case review. That is perfectly acceptable to me.

I am a long time resident of Brighton and have lived near this aggregate operation at my house on Denver Street for more than ten years. There has never been any trouble for me whatsoever from this operation. The truck drivers are careful and courteous and the operation is very well managed to the point that many local residents are not even aware that it exists. It is a quiet, unobtrusive, and comports well with the other activities adjacent which are primarily light industry and agriculture.

This mining operation supports local jobs and more importantly provides materials required for building businesses, homes, and local infrastructure all along the Colorado Front Range. Much has been said and written by others about the importance of infrastructure, both in terms of maintaining current infrastructure and building new infrastructure. There is no need to reiterate those points here and Adams...
County is well versed on that need as it is part the ongoing County services. It is very likely the County has been a customer buying materials from the applicant.

A healthy construction industry and good infrastructure are both necessary for a healthy economy. The applicant provides materials that are critical to both. Doing so improves the economy of not just Adams County but the entire State of Colorado. The applicant has a long history of responsible business practices, operations, and stewardship. Approving this permit will not change the characteristics of the immediate area as those types of operations already exist there.

Therefore, as there is minimal impact, the applicant has a long history of responsible conduct, and this operation supports the economies of both Adams County and the entire State of Colorado, I respectfully request that this permit be approved.

Sincerely, John C Lepant

Dear John,

Thank you for your comments in support of Ai’s application! We will work hard to continue to be a positive member of the community and local economy.
September 3, 2020

Adams County Community & Economic Development Department 4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8218

Attention: Greg Barnes

Dear Mr. Barnes:

RE: Comments on Aggregate Industries’ Application for Conditional Use Permit Case Number EXG2020-00001 - “Tucson South”

This letter is in response to your August 13th request for comments on the above referenced Conditional Use Permit Application.

Even though Aggregate's current application eliminates a lot of the traffic concerns, includes donation of property south of highway 7, commits to a fixed life (without any extension requests) and supposedly enhances air quality monitoring compared to their application that was denied unanimously by the Commissioners present at the November 2019 meeting, I still do not believe their proposed activity meets the County's Conditional Use Permit Criteria.

AI carefully evaluated the primary community concerns expressed last year, which were truck traffic and project duration. We addressed each of these concerns in this new application. Specifically, this application eliminates the previously-proposed 400 daily truck trips for hauling mined material, and instead all material will be transported via an overland conveyor system. In addition, we have committed to active real time dust monitoring. AI appreciates your concern over the County's Conditional Use Permit approval criteria. We believe that this application, however, demonstrates that impacts have been mitigated and it meets the criteria for approval for this protected aggregate resource.

The Commissioners are well aware of all of the objections and concerns raised by the community and businesses in 2019 regarding Aggregate not meeting these criteria and I will not reiterate those; however I believe that those concerns are still valid and maybe more so now that almost another year has passed and the area continues to grow – not get smaller. Aggregate seems convinced this is a rural farming area and back in 2004
when the mine was initially approved it probably was. However it is now over 16 years later and it is not a rural farming area any more. I do not believe the residents should have to “pay” for Aggregate's failure to act on this project much sooner.

The mining of this resource will provide many benefits to the community including vital high paying jobs, taxes, land donation, and construction materials needed to support growth and development. Aggregate will mitigate views into the site through landscaping, berms, and floodplain-friendly farm-style fencing. No truck traffic for material hauling or onsite processing will occur at this site. We have committed to a concise eight-year time period with no allowance for an extension to further alleviate impacts.

As to Aurora's water storage, they have the alternative to use the site as they do a site in Weld County and inject river water into the ground, filter it through the sand and gravel and extract the filtered water using wells. Aurora has a several million gallon water storage tank and distribution pipeline immediately adjacent to the west of the proposed mine site.

I do not believe those of us that are not citizens of Aurora should have to bear the responsibility of providing the area to store water that does not benefit us. This would leave the surface area of the site available for numerous uses that could definitely enhance the community.

Not meeting the criteria for a Conditional Use Permit (“CUP”) combined with Aurora’s alternative regarding water storage and Aggregate's alternatives for potential mine sites in less populated areas I recommend that the application once again be denied.
Knowing that some of Aggregate's changes from their previous application may cause others to be more inclined to be in favor of their current application, I would suggest that certain conditions be required if the current application were to be approved.

**Conveyor System** - Aggregate has committed to not starting mining until the conveyor system is operational however not all easements, approvals and engineering, etc. for the conveyor system are in place and accordingly a final route for the conveyor system has not been proposed. An Aggregate representative stated in the October 29, 2019 Commission meeting that it could take 18 months or more to complete the conveyor system. You could possibly believe they could accomplish this if all of the factors were under their control – but the easements and approvals are not under their control. I would expect there to be considerable opposition if some of the proposed routes ended up being the “final” route.

The current application shows both potential conveyor routes. We expect to affirm the exact route prior to the Planning Commission hearing and have agreed to a condition of approval that the conveyor easements will be finalized, and the conveyor installed within 12 months of approval of this application. Each route was selected to minimize impacts to the community.

I believe that Aurora needs to clarify and justify why they cannot grant an easement for the conveyor along the east side of their pit north of 168th Ave. Such a route would appear to be the least objectionable. It was stated that “litigation” was preventing them from granting such an easement. But this sounds like an “easy out” and the fact remains that this whole project benefits Aurora and not Brighton or the neighborhood.

AI continues to evaluate all routes including the use of the Aurora tract North of Highway 168. It is important to note that AI has worked to reduce impacts related to both the East and West routes. In all cases, any required agreements will be in place providing consent of each landowner prior to construction of the conveyor.

I believe Aggregate is premature in applying for a CUP before having at least the route for the conveyor finalized. If for any reason the CUP is approved there should at least be a condition precedent that sets a time limit for having the conveyor operational.

AI has agreed to a condition of approval that requires the conveyor route to be finalized and the conveyor constructed within 12 months of approval of this application.
Life of mine – Aggregate stated in the current application that mining and reclamation would be reduced to 8 years from the time the conveyor is installed and that no extensions would be requested. One Commissioner commented on the prior application that the life should not exceed 5 years and an Aggregate representative stated in the October 29, 2019 Commission meeting that it could be completed in as little as 4 years. Five years appears reasonable to me.

The issue though is they do not commit to a start date for whatever the time limit is. Since the start of the life begins with an operational conveyor system such a start date could be drug out for quite some time and this mine could last as long as other Aggregate mines in the County.

AI has agreed that the CUP approval will be conditional upon conveyor installation within 12 months of approval. Our current project proposal makes a firm commitment for mining and reclamation within eight years of conveyor installation while using a low impact conveyor. AI will agree to a condition that provides for no extensions of the CUP.

Slurry Wall – Aggregate says that “Tract K” as designated on their maps will not be mined but will be used as the staging area for material necessary for the slurry wall installation. The slurry wall(s) for this mine will be measured in miles, will require a substantial amount of material to be hauled to the site by trucks and will not be installed in any short time period.

AI has significant experience constructing slurry walls and has accounted for the laydown areas and time period needed to construct. Contractor traffic will be minimal and will occur over a short period of time during the first 12 months of the project.
Tract K is west of the area to be mined and encompasses two elevations – one level is relatively close in elevation to the area to be mined and houses Aurora’s huge water storage tank and related facilities and does not have a large area for staging anything. This area is accessible by a service road however in order to access the area for the slurry wall they would have to cross the Brighton Ditch and there are no substantial bridges that cross the Brighton Ditch or they would have to use Highway 7 which has already been determined to be unacceptable. They still will have to traverse the total width of the site to get to the east side for installation of that portion of the slurry wall.

The other elevation is substantially higher (a very steep hill), is west of the Brantner Ditch and adjoins my property. There are no roads to access this area accordingly getting material to this area would be very problematic and to access the area for the slurry wall would be equally problematic and would mean crossing the Brantner Ditch (with no existing substantial bridges), traversing a very steep hill and then crossing the Brighton Ditch. Using 168th Avenue, crossing Great Western’s oil and gas well site, crossing a farm field and a residential back yard to gain access would be totally unacceptable. Again, this area is even further west of the mine area. In addition this area borders residential backyards of a number of new homes in a substantial residential development.

Materials for the slurry wall will have to be moved by large trucks and without adequate roads and bridges I believe using Tract K as a staging area for the slurry wall is not only totally impractical but also totally unacceptable. Materials for the slurry wall should be staged close to where they are going to be used. Aggregate has well over 100 acres to use for this staging.

The application does not address the truck traffic, routes, etc. necessary to get slurry wall material to the site. Given the length of the slurry wall(s) I would not expect these to be minor issues and they should be addressed in the application.

Truck traffic during slurry wall construction will be minimal and short term. Access will be gained by way of existing perimeter roads or through the Tract itself.

South Parcel – One of Aggregate's responses indicated the State's approval of removal of the South Parcel from the mine permit was expected by August 31st. Did the State approve the removal?

Yes, the permit amendment removing the South Parcel has been approved by the DRMS.
Seeding Berms, etc. - Aggregate does not mention irrigating any of the seeded or landscaped area. Given our recent weather patterns I would not expect any landscaping to survive without irrigation.

Aggregate will install an irrigation system which will be used during establishment and on an ongoing basis to ensure the viability of the installed landscaping.

Concurrent reclamation - “Concurrent reclamation” is not adequately defined. Aggregate’s history of concurrent reclamation on the Tuscon North Mine meant leaving significant high walls (with a 3 wire farm fence that had mostly fallen down and a trailer park with a significant number of children close by) for years. Reclamation on that site was supposedly concurrent. If history is any indication, leaving it to Aggregate’s discretion as to when a mining area is “complete” means that a significant portion or none of the site is likely to be reclaimed concurrent with being mined. Accordingly, a limited number of linear yards of pit walls allowed to be disturbed at any given time before being reclaimed should be defined for the whole site.

Mining and reclamation will occur in accordance with the approved site plans and DRMS permits. This will entail concurrently reclaiming the mined area in approximately 30 acre increments, which is approximately 800 linear feet of mine face. Overburden from mining will be used to complete reclamation slopes. Access will also be controlled by using perimeter fencing which meets both MSHA security requirements and community aesthetic concerns.

Yours truly,

B. Michl Lloyd
Wayne Medlin prefers the parcel south of Highway 7 stay with the Adams County Parks system, rather than the City of Brighton’s system. He lives adjacent to the property.

waynemedlin@hotmail.com / 303-819-7884

AI has discussed the future use of the South Parcel with both Brighton Parks and Recreation and Adams County Open Space. AI’s only interest is that this donation of land is maximized to meet the most appropriate and desirable open space use to the benefit of the community.

Beginning July 27, 2020, my work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm
Hi Mr. Barnes,

This email is in reply to the letter dated 8/13/2020, Request for Comments.

Please do not approve the conditional use permit to allow extraction use for Aggregate Industries, EXG2020-00001. There is too much drilling, fracking, excavation, water pipeline installation (RCU2020-00004) contained within a very small area. How much more are all the people that live in the immediate neighborhoods going to be subjected to?

Adams County was once beautiful with open space and farm land. Not anymore, corporations such as Aggregate Industries continue to suck all they can out of the earth with promises of air quality monitoring, donation of land for “open space” and a “dust complaint hotline” then move on to the next site to subject more people to their pollution. A hotline to complain about dust says it all!!! Currently, we can’t open our windows due to the frack site right behind our house, if approved the Aggregate extraction and conveyor belt pollution will be even worse; in addition to the dust there will be noise pollution! Who regulates that? Who is going to respond to complaints? Aggregate Industries? If so, that’s an absolute JOKE!!! What’s worse is the joke will be on all the neighboring families who live in close proximity to the extraction site.

It should be a requirement for the applicant, Chance Allen and his family, to move into a house next door to the Tucson South extraction site in order to get the permit approved. That way he could experience first hand all of the false promises Aggregate Industries has included in their application.

Please include my comments verbatim.

Furthermore, please forward the staff report and notice of public hearing dates upon completion, via email or USPS. If unable to send, I'll come pick them up.

Thank you, Christy Montoya
Dear Ms. Montoya,

Thank you for your comments and AI sincerely appreciates your concerns. AI has proactively completed an ambient air quality impacts assessment and a noise study of the project. These indicate that impacts will be well below regulatory thresholds in place to protect health and safety. The post construction air monitoring will provide real time data which will be shared with Adams County. This is in addition to the Colorado Department of Public Health and Environment, who will also have direct enforcement authority over our operations. The hot-line phone number is provided as an added communication tool for the community, not as a replacement for agency reports. AI will be supplying a monthly record to Adams County, which will include any reported concerns from the community.
FYI - I had a phone conversation with Wayne Mueller (wmuhler@yahoo.com) on the morning of August 20, 2020.

- Has concerns about reclamation and end use.
- Wants assurance that end product will actually be a water reservoir. The final reclamation of the site will be a water storage facility.
- Believes the current site is not being controlled for weeds. (See Page 20 of application) AI acknowledges that weed control should and will be a top priority for this site.
- Believes a high water table in the area may present flooding issues for conveyor location. The conveyor will not impede water drainage from its natural course.
- Has concerns that the mining process is not wet mining, like what is being claimed. Suggests that we evaluate if mining practices are appropriate. Dredging operations may be more expensive but will create less off-site impacts. Dredging operations would be more intensive with regard to water use and noise in comparison to below grade mining. Such operations would require onsite processing to dewater and classify dredged materials. Even after slurry wall installation and dewatering, native materials will remain moist and will be supplemented with onsite hydration.
- Has concerns about the duration being 8 years from the conveyor being operational. AI has committed to eight years and will agree to a condition that no extension of the permit will be requested or allowed.
- Additional concerns that the operator does not have a great track record of compliance. AI has operated in the Denver Metro area for over 30 years and remains committed to environmental compliance. AI believes any past concerns have been addressed with the appropriate agencies, but looks forward to working with Adams County and the community on this project to ensure compliance.

Greg Barnes
Planner III, Community and Economic Development Dept.
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A Brighton, CO 80601-
8216
720.523.6853 gibarnes@adcogov.org
adcogov.org

Beginning July 27, 2020, my work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm
WE DO NOT WANT A MINING PIT OPERATING FROM 7 am-7pm 6 DAYS A WEEK! THIS WILL
DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA. NO FENCE
ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE. LOOK AT THE RECORD OF THIS COMPANY AND THEIR RECORD OF COMPLETING PROJECTS ON TIME. EIGHT YEARS WILL TURN INTO 20 YEARS!

We are not a town. Todd Creek is more like a village. We moved out here to get away from the city and enjoy our space. There are homes along Riverdale and Hwy 7 that would be drastically affected by this. Also, do we really want a gravel pit to be the welcome view into Brighton?

My husband and I retired and built here. One of the most wonderful things about living here is the peace and quiet. When city dwellers come to visit you can just see some invisible power bathe them with peacefulness. With so much development everywhere now, our area is like a precious jewel that should not be tarnished.

The proposed mine would be one-half mile from our home. It is obvious to me that the entire fabric of our lives here would be ripped to shreds. If we could bring ourselves to sell our Dream Home, the property value would be ridiculous.

I have been reading the comments from local citizens who oppose the Gravel Pit Mining Proposal on Hwy 7 the CO2 emissions from construction trucks, the air pollution, the water pollution and danger to our Wild and Scenic designated Area, and the obliteration of our wildlife habitat.

And regarding the danger of fire, our area gets drier every year and I live every day in summer and early fall with a nagging fear of forest fire. We often spend a few days breathing smoke from fires somewhere in the mountains. Even now after a dry winter it is dry
enough to be a high fire danger. Mining operations and large trucks can spark fires easily.

Thanks for your consideration,

Mary Jane Olsavsky

Dear Ms. Olsavsky,

Thank you for your comments and as a resident living in close proximity to our project we understand your concerns and hope that our response will help clarify our project scope. Our proposed operating hours will be limited to 7am to 7pm, Monday-Saturday. Our use will be temporary and in no case will mining and reclamation extend beyond eight years. There will be no allowance for any extensions of time through Aggregate’s agreement to such a condition to the permit.

Given that we have revised the application to exclude truck hauling of mined material, CO2 and other tailpipe emissions due to this activity have been eliminated. Air dispersion modeling completed by a third party demonstrated that our emissions will be well below the National Ambient Air Quality Standards. Real time dust monitors will serve to prove compliance each day.

We have taken all measures possible to minimize viewports into the site through landscaping, fencing and berms.

We share your concerns over fire hazards as we have also seen these impacts on regional air quality. AI works with the local fire department and other agencies to ensure a safe facility and to maintain compliance with all MSHA requirements regarding jobsite safety.
Dear Mr. Barnes,

As a citizen of Brighton, I would like to register my disapproval of the creation of a gravel pit/mine anywhere near our city. The noise, pollution, and traffic may have been manageable 10 years ago, but with our higher population density, it is not, in my opinion, a worthwhile endeavor.

Although I don't have a geographic/geologic map available, I find it hard to believe that there are not more suitable locations for this. Perhaps 20 miles out of town east/north? I have a family member with an immune disorder that involves the lungs; this would be a real and present danger to his health.

Please consider the human factor, not the money factor, when making your decision. Best regards,

Kay Olsen 303-909-9525

Dear Ms. Olsen,

Thanks for taking the time to comment on our application. The Tucson South site was once proposed as a mine with a full onsite crushing and screening plant, onsite stockpile yards and off-site hauling by large gravel trucks. The use has now been restricted to only onsite excavation and conveyance north by way of a low profile overland conveyor system. As a result of these changes, noise and dust emissions will be well below regulatory levels.

Sand and gravel mines located long distances from the marketplace are not cost effective and ultimately result in excess on-road emissions and wear and tear to the road.
Mr. Barnes,

This is on behalf Of: BRIDGE A. LTD 75 WEST BRIDGE ST. BRIGHTON CO and BRIDGE B. LTD 115 WEST BRIDGE B. LTD

1- What are the proposed distances of excavations West and East of the River and how deep?

No excavation will occur east of the Platte River. Setbacks vary along the west side, but in all instances will be at least 200 feet from the river. Materials will be mined to a depth of 25-40 feet depending on quality of the material and the depth to bedrock.

2- What are the proposed distances of excavation South and North of Highway 7 and how deep?

Setbacks vary along Highway 7, but will be approximately 105 feet from the edge of ROW. This includes a 25 foot setback to the slurry wall and then an additional 80 foot on average to the existing edge of ROW. No mining will occur south of Highway 7.

3- What is the proposed distance of installation of the conveyor system West and East of River?

The conveyor will not be located east of the River. The conveyor will be at least 200 feet west of the river in the East Cell.
Please let us know

Thanks,

Manuel Ornelas manuelmds@comcast.net
Thank you for your response. I have one more concern:

HWY 7 needs to be widened from at least Colorado Blvd to HWY 85. The county needs to hold businesses accountable to provide some if not all funding for roads in Adam’s County. Taxes go up but no major structural improvements are being done, including bridges.

If this is not in line with your responsibilities, please route to correct department. However roads on HWy 7 and Road 2 are in need of widening.

Note land on Road 2 by Sacks land will be covered with houses. It seems visionary to widen Road 2 while space is still available and houses are not built up to the road.

Sincerely,
Della Thompson

AI will not use Highway 7 for this operation. This is one of the most important changes in the current application based on concerns expressed in 2019. AI has accounted for future expansion of Highway 7 in our site plan, however, so that when CDOT decides to widen the road, it will not conflict with this site plan or the post-mined reclaimed site.

--- Original message ---
From: Greg Barnes <GJBarnes@adcogov.org> Date: 8/26/20 9:45 AM (GMT-07:00)
To: Della Thompson <jatdt@msn.com> Subject: RE: HWY 7 mining and traffic

Thank you for providing comments on this case. At the end of the referral period, all comments received will be shared with the applicant, and they will be asked to provide a response. You will be notified when the County receives their response to your comments.

Your comments will also be shared with the Planning Commission and Board of County Commissioners when the project goes to public hearings. The County will send you a notification letter when the hearings are scheduled.

Greg Barnes
Planner III, Community and Economic Development Dept.
ADAMS COUNTY, COLORADO
4430 S. Adams County
Beginning July 27, 2020, my work schedule is:
Monday - Alternating weeks
of 7 am - 3:30 pm and off
Tuesday - Friday - 7 am -
4:30 pm

-----Original Message-----
From: Della Thompson <jatdt@msn.com> Sent: Monday, August 24, 2020 7:10
PM To: Greg Barnes <GJBarnes@adcogov.org> Subject: HWY 7 mining and
traffic
Please be cautious: This email was sent from outside Adams County Dear Mr
Barnes,

My concern is the traffic with semi hauling equipment.

I understand currently drivers are paid per load. I believe this is a dangerous practice.
This encourages drivers to speed. No matter what route is approved, the danger exist
when they access HWY 7 or Road
2, then on to HWY 85 to go to a specified destination via many other roads.

There is no offsite truck traffic for transportation of mined material proposed in our revised
application, so this concern is not applicable to our proposed operations.

Please make this one
major topic on the
agendas. Sincerely,

Della THOMPSON
10561 East 158th CT Brighton, CO 80602
720 254 7162
Sent from my iPad
Hello,

I commented in 2019 and watched the hearing last year in which the County made good points against the Aggregate plan. Without reiterating all you have had to read and hear in the past: the noise and air pollution issues are still a concern; rather than improving Brighton and Adams County which has been agricultural and admittedly becoming more residential, it will bring just bring industrial problems; Business owners trying to improve Brighton downtown will be negatively impacted; Neither the "pond" that exists near the proposed area nor their land south of Hwy 7 have the desirable natural effect they claim residents will be left with; I understand you are looking to allow more acre lot housing just west of the area and that will lower property values and probably deter sales; etc. I admittedly have not read the 424 page application, but it does not appear to account for all of the concerns for Brighton and Adams County residents and businesses.

Thank you

Aggregate has worked closely with Brighton and ADCO on this revised application and believes it has listened to and addressed concerns. The proposed use will allow for the extraction of a necessary and protected aggregate resource while minimizing impacts to the surrounding community. AI will continue to work with stakeholders to ensure the South parcel donation is put to the most suitable open space use, as determined by Adams County and Brighton.
September 7, 2020 Adams County . . . .
Re: The Tucson South Gravel Pit Application 2020 Case Number: EXG2020-0001
To Whom it may Concern,

With all due respect, . . . For those of us who have followed this case and are familiar with the 2019 hearings (presentations, testimony, technical aspects, etc.), aside from now "starting" the project with the conveyor (allegedly this whole project was planned to be primarily mined by conveyor), the nuts and bolts of this application are still the same and an industrial mining operation at the gateway of downtown Brighton should never be allowed! Last year, at the start of the October 29th hearing, the south parcel had ALREADY been removed from the permit (not counting what they were doing behind the scenes), Aggregate had committed to air monitoring, Aurora had committed to a more decorative fence, and by the end of the hearing the time frame discussed was even less. So it has been disturbing to hear Aggregate Industries, in three different presentations that we have attended, (to city entities and the neighbors), explain how they have now come back with all these significant/major changes. Additionally, the Request For Comments is now making comparisons between their 2004 Permit and this current application to establish some change. The old application should have no bearing. In 2004, the majority of residential subdivisions that line Hwy 7 were not there, our development, Platteview Farms Plaza, was nothing but a pile of weeds and a conglomeration of utility poles and lines, the Pavillions did not exist, the Kum and Go gas station did not exist, and the Roundabout Crossings did not exist. So those 16 years have brought about changes that make their 2004 application not appropriate for comparison. Additionally, the dangling of the South Parcel as a gift should not be tied to this permit in any fashion. To us it equates to no more than a bribe or pay-to-play tactic as it does not take away the gravel pit, or the fact that there is no way to take away the experience, visibility, or association of this gravel mine as you approach the gateway of Brighton (via Hwy 7) or exit it and it offers no great value. For the record: We are private Business owners that have invested several millions of dollars in Platteview Farms Plaza (Miller St. & Hwy 7- home to Autowash, Piasano Liquors, Papa Johns Pizza, and Santiagos Mexican Restaurant) - AND are Brighton homeowners. Since the mid 2000's we have worked diligently in multiple ways to help revitalize the Brighton Downtown District, . . . trying to clean it up and create a pleasing environment that would help breathe new life, counterbalance Brighton's challenges, and attract both businesses and consumers to the downtown area, . . . businesses that could thrive because individuals would DESIRE to be there! Efforts include my husband's 7+/- years as a commissioner on BURA (BRIGHTON URBAN RENEWAL AUTHORITY) and roughly 3 years on the board of the Downtown Partnership - so we are speaking from having been in the trenches and on the front line. Downtown Brighton is challenged and a gravel pit at this gateway negates and undermines ALL that has been worked for (or the millions of tax dollars that have or are currently being spent!) to help negate its challenges. Regarding the requirements of the Conditional Use Permit:

1. The conditional use is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County. (including wildlife!)

The subject use is located in a Mining Conservation Overlay District which has been established by Adams County to protect valuable aggregate resources such as Tucson
South. AI has demonstrated that it will meet both the specific and general performance criteria applicable to this application. Air quality, noise, traffic, safety, and infrastructure impacts have all been assessed, mitigated, and demonstrated to be below regulatory thresholds.

2. The conditional use permit cannot address all off-site impacts. Please consider the following facts:

1. HWY 7 IS THE WEST GATEWAY to Downtown Brighton - and there is no way, traveling this MAIN ROUTE, in either direction that you would NOT be able to see this mine, or experience it. Specifically, you can NOT physically block/berm the view approaching from the west. And it will be visible exiting the city gates as well relative to the elevation and floodway (cannot berm it there). AND, it will also be visible at the Tucson intersection area.

Viewports along the highway will be shielded by a combination of berms, fencing and a living screen. Additionally, the excavation will be on average 20 feet below-grade once operations are established.

2. DUST - Environmental Issues of Health, and Safety: The method of mining will be a DRY mining technique - there will be dust! Slurry walls are created to keep water out of the pit and while the initial dewatering phase may take a year, the ground WILL dry out. Weld County confirmed dust issues on Aggregate’s activities siting the type of wind conditions that exist out here as well as the physical impossibility of keeping the expansive overburden piles and surfaces wet enough to prevent it - and Aggregate’s own representative admitted as much during a hearing. Crystalline silica dust is one of the particulates commonly found in gravel operations - and this is a known carcinogen! "This respirable silica dust causes lung disease and lung cancer. It only takes a very small amount of airborne silica dust to create a health hazard." (https://www.silicasafe.org/know-the-hazard/why-is-silica-hazardous) Dust particles (PM10) (big dust particles) can range in size from 2.5 to 10 micrometers in diameter. They can stay in the air for a number of minutes to a number of hours and can travel as little as a hundred yards or as much as 30 miles! Fine particles (PM2.5) (small dust particles) are 2.5 micrometers in diameter, or smaller, and can stay in the air for days or weeks -- and can travel much farther; many hundreds of miles! (and it is the smaller particles that are much more dangerous) (https://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Environmental%20Quality/Air/Air%20Monitoring/AWhatis%20ParticulateMatter1.pdf) Air monitoring may sound good but gusts, pockets, and swirls of wind NEVER disperse dust equally or proportionately. You could not physically have enough monitors to accurately track true air quality. We were recipients once of a nasty gram (certified letter) from Todd Creek Village Parks and Recreation's legal counsel that accused us of painting a portion of their white rail fence brown - threatening repercussions for not fixing it! The fence appeared that way because of light moisture (misting rain) followed by an unequal dispersement of heavy dust. A monitor 200’ away would never have picked up the same air/dust reading that we would have had at our house. So even though air monitoring may sound good, they're really pointless because they don't solve, resolve, or accurately track the problem. (letter and pictures available upon request!) (WET MINING WOULD GO A LONG WAY TO SOLVING THIS ISSUE)

The proposed operational plan will entail mining moist materials which will be attained through residual moisture in the subaqueous materials and daily watering of exposed materials. This technique has been proven to be effective at reducing particulate emissions. Wet mining is water intensive (a scarce resource) and results in greater noise due to onsite process dewatering and screening activities.

Aggregate Industries is committed to compliance with MSHA standards for Crystalline Silica
and has a comprehensive compliance plan in place at all of its facilities to comply with this rule which is primarily designed to protect onsite workers in close proximity operations. It is also important to note that respirable silica (Quartz) is a naturally occurring subset of all sand and gravel materials and comprises only a small percentage (<10%) of the total dust concentrations from such sources. Data from the on-site dust monitors will also allow extrapolation of silica data.

Monitoring locations have been selected to correspond to maximum areas of impact based on dispersion modeling and such monitors are well suited for evaluating fugitive particulate concentrations. This type of field ambient monitoring is widely used by agencies and industry alike for compliance impacts. Wind stations to be installed with the monitors and will report wind speed and direction.

3. TRUCKING: The trucking impact will still be felt. Aggregate Industries has stated in their neighborhood and city presentations that roughly 75% of their product comes back down into Adams County. Per their application last year it was estimated that the quantity extracted from the Tucson South Mine would necessitate 420 semi-truck trips a day in traffic. If 75% of that quantity (or whatever quantity) moves back down into Adam’s County, that is a lot of additional trucks. These trucks will use Hwy 85, Hwy 7, and County Rd. 2 to arrive at their destinations and then return. Note: Aggregate Industries is alleged to have had a previous road maintenance agreement in place with the Tucson North mine that they are said to have not honored. This was brought up at the Neighborhood Meeting and Aggregate side stepped it at the time and has still never addressed it. There is current road damage (sinking) to Holly St. (NW corner Holly/Hwy 7- turn lane to go west onto Hwy 7) which has been caused by gravel trucks sitting and waiting to turn west (tax payers will likely pay for the repair) and we do not think that it is unreasonable for Aggregate to step up and address their past permit/damage and whether or not they honored their agreement.

There are no new truck traffic impacts which will result from approval of this project. There is no offsite hauling associated with Tucson South, instead all 400 previously proposed daily truck trips will be eliminated by Aggregate’s use of an overland conveyor system. The existing Wattenberg site in Weld County will continue to operate and use approved roads as it has for 15-20 years. The approval of this permit does not add to the existing traffic pattern on HWY 85.

4. Length of project/mining. No matter WHAT commitments are made up front, there is NO easy way to solve an incomplete job/project. It would be irresponsible to disregard the history of mining pits because they speak VOLUMES about the truth.

Approval will be conditioned upon an eight-year time frame with no allowance for extension. Reclamation bonds, future water storage commitments, and other financial assurances will ensure that project mining and reclamation is complete on time.

5. Reclamation and end use of land: The Platte River corridor throughout Adams County has been pock marked and scarred with endless mining. Not every community has the opportunity to have river front property or access to it. It should be valued - especially with this land sitting right outside the downtown gateway as it has access off of major roads, and an additional intersecting road. Aggregate Industries suggests that there is not much other use for this land. Yes there is a portion that is in a flood way (unbuildable but could have community uses), but 100 year flood plains are buildable! I have sold both residential and multifamily homes that were built in 100 year flood plains and have seen successful commercial developments as well. (Campus? Medical facility? Sports fields/Soccer fields, etc.) They would all hold more value than an augmentation reservoir that may or may not have water in it. HIGHEST and BEST USE of land should always be considered. Please see these links for consideration as
to creative uses for Floodplains: https://toolkit.climate.gov/case-studies/building-smart-floodplain (Ft. Collins, Colorado) -- https://theconversation.com/design-for-flooding-how-cities-can-make-room-for-water-105844 https://www.sasaki.com/voices/getting-creative-in-the-floodplain/ The current reclamation calls for the end use of this land to be augmentation reservoirs for the City of Aurora and augmentation reservoirs may not even have water in them. Aurora’s current reservoir off Tucson St. epitomizes blight.

Aggregate Industries understands that Aurora’s water storage reservoirs are not a use you prefer for this site, but believes this use will equally meet vital community needs for a secure source of water for years to come. Moreover, each of the above preferred uses would be expected to add heavier traffic loads to Hwy 7 and degrade the natural environment in this area, which has been designated as part of the County’s natural resources overlay district. Finally, strict requirements regarding building in a floodplain are necessary to prevent impacts to upstream properties and adverse impacts to wetlands, and much of the property is in the floodway, which is totally unbuildable.

6. FENCE: The fence that is being shown will be a possibility AFTER the project is completed but nobody seems able to answer what the fence will be during construction and mining. Adams County Development Standards and Regulations 3-38-066-12 (regarding gravel pit operations) requires the “prison fencing” (“V” mesh or chain link fence to a height of 72” topped with three strands of barbed wire canted to a 45 degree angle). How much this can safely be altered (if at all) is questionable. The sides of the mine (known as the high-wall) are extremely lengthy (2300 feet on the previous DRMS application) and will be nearly vertical during mining. They only become less steep (3-1) in the final reclamation.

Aggregate Industries will not install chain link “prison style” fencing before during or after the project is complete. The County indicated in the neighborhood meeting and subsequent conversations with AI that farm style fencing will be allowed during the mining operation and therefore, such a fence will be used. AI has supplied several examples of such fencing to the County for its consideration and approval.

AI will be completing concurrent reclamation. As new areas are opened up, the previous area will be backfilled to final slopes and seeded. This is an efficient way to mine and avoids double handling materials. It also mitigates impacts of mining on the surrounding area, comporting with the County’s CUP approval criteria. There is no plan to leave 2300 feet of mine face exposed.

7. COST BENEFITS: There are not benefits to the City of Brighton or Adams County but in the neighborhood and city presentations, Aggregate Industries states that there could be benefits of up to a 30% savings in having a quarry less than 25 miles away. Given the number of gravel pits out in the Weld and Adams County region, (less than 25 miles away) we all should be able to get GREAT pricing because of our proximity! - But we have personally purchased tons and tons of a variety of different aggregate (including concrete) for various applications over the past several years and pricing is and has been relatively similar across the WHOLE metropolitan area! This would apply to them in bidding a job giving them room for a higher or lower profit margin, (and Aggregate Industries admitted this in our private meeting with them) but I would love to see where this would EVER benefit anyone in general.

Thanks for your comment. AI believes construction aggregates are a great benefit to the community. It is well established that the value of any mineral deposit is based on its proximity to the end use due to high logistics cost. This site was always considered to be a valuable mineral deposit. Growth and development of roads infrastructure and medical plazas are not possible without these foundational materials.
The Adams County Mineral Extraction Plan (Multiple-Sequential use of Commercial Mineral Property) states “it is the intent of the state legislature, through this statutory guideline, to make mining areas beneficial to the community before, during and after mining.” Their plans seem to be a revolving door so commenting on what they actually are is difficult. However, Aggregate’s current proposed reclamation leaves the pits to be filled as reservoirs for the City of Aurora - with no public access. The trail they reference will be outside the fence along Hwy 7 and so nothing in this plan benefits the community, the wildlife, or the City of Brighton in any fashion. In fact it successfully does the opposite by blighting Brighton’s west gateway. There are already two reservoirs straddling Tucson St. which also fail to benefit our community or the native wildlife. They are fenced, ugly, and surrounded by infinite weeds and dirt.

As stated previously the subject site is located in a MCOD and the applicant has demonstrated that both the specific and general performance criteria for this use has been met. The scope of the project has been restricted significantly to ensure the impacts are mitigated so as to be in harmony with the surrounding area. A water storage pond surrounded by floodplain-friendly farm style fencing and an adjacent trail will provide a suitable and aesthetically pleasing long-term use. The South parcel donation for a community Open Space adds to this value.

9. Wildlife: At last year’s hearings, Aggregate Industries implied that gravel pits were beneficial to the area’s wildlife and that the wildlife would grow and benefit from it. Besides removing all the surface area from any sort of wildlife use, Aggregate will also be REMOVING all the cottonwoods that exist on their east parcel (runs from the river towards Tucson St. - home to many forms of wildlife). Additionally, no bushes or trees can be planted on the perimeter due to potential damage to the slurry wall. Please go look at the two existing reservoirs off Tucson St. and see if you really think these fenced pits benefit or increase the wildlife.

AI has completed a comprehensive wildlife study to support this project. AI will complete Owl surveys prior to startup of pre-mining construction activities. Cottonwoods will be relocated as possible based on size restrictions and in accordance with arborist’s recommendations.

10. THIS HAS TO BE WEIGHED IN ON: Brighton has benefited greatly from the residential growth to the west of the city (off Hwy 7). The growth has really helped to support and build businesses/revenue, but much of this west area is in a “no man’s land” (for retail or services). It leaves consumers picking between “drives” that are either east into Brighton, west towards Larkridge/I-25, or south down into Thornton. This is important because incentive to go into Brighton could soon be diminished by Thornton’s current aggressive plans for growth (even up into Weld County). We attended Thornton’s May 26th City Council meeting and twice in a discussion on a proposed med/higher density subdivision, it was vocalized that they did NOT want consumers/homeowners going to Brighton for business!!! They want the tax dollars in THEIR community. They are approving some major development with much of it currently calling for six lane roads to flank it, (i.e. Quebec and Holly) - REGARDLESS of having the necessary infrastructure (Hwy 7 staying two lanes!) to support it. Some of the zoning for this sort of density was approved years ago with the assumption that the RTD’s FasTracks light rail North Station (Colorado/Hwy 7) would be complete. However, FasTracks was estimated to be another 20 years out, . . . PRIOR to COVID! There are no immediate plans from CDOT to expand Hwy 7. But this has not stopped Thornton from approving these developments without having the necessary infrastructure. This will make the commute to Brighton a longer and less feasible or appealing endeavor – and adding a gravel pit to the gateway will only exacerbate
the negativity of this drive and further diminish the appeal of Brighton. Please, PLEASE consider the negative aspects of this proposed gravel pit. THIS IS NOT THE RIGHT LOCATION FOR THIS SORT OF INDUSTRIAL ACTIVITY and there is so much more that can be done with this land! For the sake of so many in this community, who call this home, please care. Respectfully submitted, Mark Cordova and Sherie Gould-Cordova Downtown Brighton Business Owners - Platteview Farms Plaza 124-128 W. Bridge St., Brighton, CO 80601 (303) 880-6788 5680 E. 165th Pl., Brighton, CO 80602

AI appreciates your concerns with the traffic load on Highway 7 and has revised its application so as to eliminate truck traffic for hauling of mined material from Highway 7. The timing of any Highway 7 expansion is beyond the scope of this application. We have, however, accounted for future CDOT expansion of the highway in the location of the slurry wall and setbacks from right of way so when CDOT widening occurs the future reservoirs will not conflict.
September 9, 2020

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Greg Barnes

Re: Tucson South, Case # EXG2020-00001

Public Service Company of Colorado’s (PSCo) Right of Way & Permits Referral Desk has determined **there is a possible conflict** with the above captioned project. Public Service Company has existing electric transmission lines and associated land rights as shown within this property. Any activity including grading, proposed landscaping, erosion control or similar activities involving our existing right-of-way will require Public Service Company approval. Encroachments across Public Service Company’s easements must be reviewed for safety standards, operational and maintenance clearances, liability issues, and acknowledged with a Public Service Company License Agreement to be executed with the property owner. PSCo is requesting that, prior to any final approval of the conditional use documentation, it is the responsibility of the property owner/developer/contractor to have this project assigned to a Land Rights Agent for development plan review and execution of a License Agreement (via website [www.xcelenergy.com/rightofway](http://www.xcelenergy.com/rightofway) or email coloradorightofway@xcelenergy.com).

PSCo also has natural gas distribution facilities running along Tucson Street, 168th Avenue and 160th Avenue.

**AI Response:** AI will work with Xcel prior to any activities in an existing Xcel right-of-way to ensure there are no conflicts or to obtain the appropriate approvals.

Donna George
Right of Way and Permits
Public Service Company of Colorado / Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com
September 11, 2020

Adams County Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216

RE: Comments on the Conditional Use Permit to allow extraction use in Agricultural-1 (A-1)
zone district, Case Name Tucson South, Case Number EXG2020-00001

Dear Adams County Planning Commission:

The City of Aurora Water Department (Aurora Water) appreciates the opportunity to comment on the
Conditional Use Permit for gravel mining submitted by Aggregate Industries in case number EXG2020-
00001.

The City of Aurora is located within three counties, Adams, Arapahoe and Douglas. Our planning
department estimates that 1/3 of our population resides in the Adams County portion of the city. The 2010
census estimated Aurora’s population to be 325,000 residents. Currently, we believe that number has
grown to nearly 380,000. Aurora is also home to University of Colorado Hospital and the Anschutz
Medical Campus, Children’s Hospital, the Veterans Hospital and the Gaylord of the Rockies Hotel and
Convention Center and Amazon, all of which are also in Adams County.

As a result of the 2002 drought, Aurora Water began planning the $750M Prairie Waters Project to
recapture reusable return flows in the South Platte River below the Metro Water Reclamation Facility.
This project became operational in 2010. Water storage through reclaimed gravel pit reservoirs is a
critical component to this project. In 2003, Aurora Water signed a contract to purchase the Tucson South
gravel reservoir from Aggregate Industries after it had been completed and reclaimed to become a
component of the Prairie Waters system.

The Front Range and the City of Aurora is experiencing significant growth and we expect the growth to
continue. With that comes the demand for both water and sand and gravel resources. The Tucson South
gravel mine helps meet both of these demands within Adams County and the larger Front Range area.
Aurora Water supports the approval of this project.

We appreciate your time and the consideration of our comments in the application. Please contact me or
my staff with any questions or requests for additional information.

Sincerely,

Marshall P. Brown
General Manager
Aurora Water
Development Review Team Comments

Date: 10/27/2020
Project Number: EXG2020-00001
Project Name: Tucson South

Commenting Division: Plan Coordination 2nd Review
Name of Reviewer: Greg Barnes
Date: 10/27/2020
Email: gjbarnes@adcogov.org
Resubmittal Required
Commenting Division: Planner Review 2nd Review
Name of Reviewer: Greg Barnes
Date: 10/27/2020
Email: g jbarnes@adcogov.org

Resubmittal Required
PLN01: Page C-5 of the site plan shows some overlap of stockpile areas and flood districts. Please make a modification to fix that.
AI Response: Page C-5 of the site plan has been modified to show no overlap of stockpile areas within the effective floodway.

PLN02: What are the proposed height of the berms?
AI Response: The mining phase screening berms will be 12 feet high with 3:1 slopes. Please see Supplemental Materials 23 (S23) for the typical berming section view. The height of the post-mine screening berms are currently being discussed with Aurora Water and will be finalized prior to the Planning Commission hearing.

PLN03: What is the height of the above-ground conveyor?
AI Response: Except as required for driveway access on the City of Aurora Challenger Pit parcel, the conveyor height will be 4 feet above grade.

PLN04: The site plans do not indicate the location of the proposed fence.
AI Response: Please see the revised A04 Site Plans that indicate the location of the proposed fence.

PLN05: Where will the proposed employee parking areas be located? What will be the surface area? Please indicate this on the site plan, and show that the parking areas will conform to parking space requirements.
AI Response: Please see the revised A04 Site Plans that indicate the locations of the employee parking areas and the surface area. Please note the parking areas will move as needed to accommodate mining and parking spaces are temporary in nature.

PLN06: If the slurry wall is not proposed for the Tucson Street right-of-way, then Note 11 on Page C-1 needs to be removed. If it is planned for the ROW, then please let us know because we do not currently see any proposed overlapping.
AI Response: Please see the revised A04 Site Plans. Note 11 on Page C-1 has been removed.
Resubmittal Required

ENV1. The applicant must either establish a permanent, dedicated setback from the existing plugged & abandoned well or provide written documentation from the well owner, Great Western Operating Company, demonstrating the well will be plugged and removed to a depth below the lowest excavation elevation.

AI Response: Please see the newly added Supplemental Materials 25 (S25) for documentation demonstrating the well was plugged to a depth below the lowest excavation elevation. The depth of the excavation will be to bedrock, which is generally 35ft- 40ft below ground surface (bgs) throughout the site. The COGCC documents verify the well was abandoned to a depth well below our deepest excavation. These documents were obtained from the Colorado Oil and Gas Conservation Commission with guidance from Eric Jacobson, Central Region Engineer with COGCC.
Commenting Division: Development Engineering Review 2nd Review
Name of Reviewer: Matthew Emmens
Date: 10/15/2020
Email: memmens@adcogov.org

Resubmittal Required
Review complete with comments. See document at the end of the report.

AI Response: Please see responses below on the following pages.
Aggregate Industries
Tucson South Resource
Case # EXG2020-00001

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H & 08001C0326H), Federal Emergency Management Agency, March 5, 2007. According to the above reference, a portion of the project site is located within a special flood hazard delineated area; if construction activity occurs in this area of the project site, a floodplain use permit will be required.

**AI Response:** Acknowledged and Agreed.

**County Response:** Comment closed.

ENG2: The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements. The project site is not within the County’s MS4 Stormwater Permit area; and Adams County Stormwater (SWQ) Permit will not be required. The installation of erosion and sediment control BMPs are expected.

**AI Response:** Acknowledged and Agreed.

**County Response:** Comment closed.

ENG3: The Trip Generation Letter (TGL) submitted with the application has been reviewed. Although County Staff is in agreement with the methodology used in the TGL, it is hard to believe that there will only be 6 employees working on this site. Will there be visits by supervisors, inspectors, equipment repair crews, how often will water trucks be visiting the site? Please add more information about the site operations so that staff can determine if the trip generation is acceptable.

**AI Response:** Please see the attached Supplemental Materials 21 (S21) for additional details on pre-mining construction activities, including equipment and employees. As provided for in the TGL, there will be only six dedicated on-site employees once mining operations commence.

**County Response:** Supplemental Materials 21 (S21) was not found in the resubmittal materials. The Appendix table included with “Tucson South Resource Conditional Use Permit Project Description” document only goes to “Supplemental Materials 20 – Right of Way Dedications.”

**AI Response:** Supplemental Materials 21 (S21) was submitted with AI’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Supplemental Materials 21 (S21) was located at page 119 of 126 of the submittal. AI will email this response and Supplemental Materials 21 (S21) directly to Matt Emmens.

There will be 6 dedicated, full-time employees working on this site. The following is a list of additional potential visits and the expected frequency:
<table>
<thead>
<tr>
<th>Title</th>
<th>Anticipated Frequency of Visit</th>
<th>Vehicle Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Supervisor</td>
<td>1-2 visits/day</td>
<td>Pick-up truck</td>
</tr>
<tr>
<td>Operations Manager</td>
<td>1-2 visits/week</td>
<td>Pick-up truck</td>
</tr>
<tr>
<td>Portable toilet</td>
<td>1 visit/week</td>
<td>Vacuum truck</td>
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<tr>
<td>services</td>
<td></td>
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</tr>
<tr>
<td>Mechanic</td>
<td>1 visit/week</td>
<td>Service truck</td>
</tr>
<tr>
<td>Electrician</td>
<td>1 visit/week</td>
<td>Pick-up truck</td>
</tr>
<tr>
<td>Fuel delivery</td>
<td>1 visit/week</td>
<td>Fuel truck</td>
</tr>
<tr>
<td>Safety Manager</td>
<td>2 visits/quarter</td>
<td>SUV</td>
</tr>
<tr>
<td>Environment/Land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manager</td>
<td>2 visits/quarter</td>
<td>SUV</td>
</tr>
</tbody>
</table>

It is anticipated that there will be an on-site supply of water for the water truck, which will stay at the mine site. Therefore, this site will not require regular visits for water delivery.

ENG4: The developer is responsible for the repair or replacement of any County infrastructure that is broken or damaged because of the operations.

**AI Response:** Acknowledged and Agreed.

**County Response:** Comment closed.

ENG5: If the applicant is proposing to install over 3,000 square feet of impervious area on the project site, a drainage report and drainage plans in accordance to Chapter 9 of the Adams County Development Review Manual, are required to be completed by a registered professional engineer and submitted to Adams County for review and final approval.

**AI Response:** AI is not proposing to install over 3,000 square feet of impervious area on the project site. In fact, the site will remain entirely pervious except for movable blocks or timbers used to set feeders for belts.

**County Response:** Comment closed.
ENG6: The submittal documents indicate that the site will be served by several conveyor belts. The locations of the conveyor belts are not clearly shown. Revise the plans to clearly indicate where the conveyor belts will be located and exactly where the below grade roadway crossings will be located.

AI Response: Please refer to Application Materials 04 (A04) for revised site plans with benchmarks showing the distance the conveyor will be located from the property line.

County Response: Application Materials 04 (A04) could not be found in the resubmittal materials (nothing was labeled A04). Sheet F2 “West Area Reclamation Plan” identifies a conveyor route through one side of the site but, does not show where the crossings of Tucson St and 160th Ave are proposed to be located.

AI Response: Application Materials 04 (A04) was submitted with AI’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Application Materials 04 (A04) was located at page 97 of 126 of the submittal. However, AI has further revised the A04 Site Plans to address comments made by Greg Barnes during this review cycle. Please see the revised Application Materials 04 (A04) for the conveyor belt locations. AI will email this response and Application Materials 04 directly to Matt Emmens.

ENG7: As mentioned, the site is to be served by several conveyor belts that will take six (6) months to construct. Will there be any hauling of material before the conveyor belts become operational?

AI Response: There will be no off-site hauling of mined material to the processing plant at any time during the operation of the mine, even prior to conveyor installation. Please see Supplemental Materials 21 (S21) for a detailed description of the pre-mining construction and timeline, which addresses on-site transportation of overburden material for berm construction, delivery of bentonite for slurry wall construction via flatbed delivery trucks, and delivery of landscaping materials. Aggregate will agree to a condition of approval that mined materials will only be conveyed off-site for processing via the system of proposed conveyors.

County Response: Supplemental Materials 21 (S21) was not found in the resubmittal materials. The Appendix table included with “Tucson South Resource Conditional Use Permit Project Description” document only goes to “Supplemental Materials 20 – Right of Way Dedications.”

AI Response: Supplemental Materials 21 (S21) was submitted with AI’s responses to the comments on 9/23/20 with receipt of the documents confirmed by the E-Permit center on 9/24/20. Supplemental Materials 21 (S21) was located at page 119 of 126 of the submittal. AI will email this response and Supplemental Materials 21 (S21) directly to Matt Emmens.

ENG8: Prior to the commencement of any type of operations, including site preparations, clearing and grubbing, staging of equipment, etc. The applicant must submit for review and approval all construction documents (i.e. site grading plans, conveyor belt construction plans, erosion and sediment control plans, traffic impact study’s, drainage reports, etc).

AI Response: Acknowledged and Agreed.

County Response: Comment closed.

ENG9: All roadway accesses from E 168th Ave and Tucson St. into the development must be permitted by the County. Access permits will be reviewed and approved with the Engineering Review of the site construction documents (See Comment ENG8 above). The County would prefer to limit access to this development. Preferably the County would allow one access to be permitted off E 168th Ave (for both parcels) and two access points off Tucson St. (one on either side of the roadway and facing each other). However, the Fire District may require additional access points. If the District does require additional
accesses to the properties, a letter or map, from the District, showing where the additional access should be located must be submitted to the County.

**AI Response**: Acknowledged and Agreed.

**County Response**: Comment closed.

ENG10: The responses to the above comments includes reference to materials that are supposed to be included in the resubmittal package but, nothing is labeled. The resubmittal should have all of the materials labeled so they can be found and confirmed.
October 20, 2020

Adams County Commissioners
4430 S. Adams County Parkway
Brighton, CO 80601

Re: EXG2020-00001 Aggregate Industries Tucson South Site

Dear Commissioners,

On behalf of the Brighton Urban Renewal Authority (BURA), we are writing to express concerns with a land use application you are scheduled to consider. We understand that an application has been submitted by Aggregate Industries seeking approval for a mining operation in Adams County west of downtown Brighton.

BURA was created by the City Council in 2001 to help reduce blight and stimulate private investment in downtown Brighton. The proposed application for mining activities is approximately 1,400 linear feet from the western edge of our downtown urban renewal area. We have reviewed the proposal and we are concerned about the dust, noise and traffic associated with this operation. We believe this project will have negative impacts on nearby businesses and the city’s gateway. Many downtown business owners have contacted BURA Commissioners expressing their concerns and objections to the project.

The very nature of an urban renewal authority is to reduce and eliminate blight. We feel that mining operations are not consistent with BURA's overarching objectives and further that this mining operation will contribute to blight. Would-be developers and investors shy away from investing in new developments when adjacent to industrial operations. The land use is not harmonious with the vision and objectives set forth by the Urban Renewal Plan.

Based on these concerns, we respectfully request that you deny the conditional use permit for Aggregate Industries.

Respectfully submitted,

Candace Werth, Chair
Brighton Urban Renewal Authority
Greg Barnes

From: Loeffler - CDOT, Steven <steven.loeffler@state.co.us>
Sent: Wednesday, October 7, 2020 3:17 PM
To: Greg Barnes
Subject: Re: For Review: Tucson South (EXG2020-00001)

Greg,

I have reviewed the comment response document for Tucson South and my previous comments have been addressed. I have no additional comments.

Thank you for the opportunity to review this response.

Steve Loeffler
Permits Unit- Region 1

P 303.757.9891 | F 303.757.9886
2829 W. Howard Pl. 2nd Floor, Denver, CO 80204
steven.loeffler@state.co.us | www.codot.gov | www.cotrip.org

On Thu, Sep 24, 2020 at 8:34 AM Greg Barnes <GJBarnes@adcogov.org> wrote:

This notice is to inform you that Adams County has received a response to comments that you provided on a land use case. The case is Tucson South (EXG2020-00001). You may review the responses at the following link:
https://www.adcogov.org/planning/currentcases

If you would like to provide additional comments after reviewing these responses, please e-mail them to gjbarnes@adcogov.org on or before Thursday, October 15, 2020 at 2:00 p.m.

Thank you!
Beginning July 27, 2020, my work schedule is:

Monday – Alternating weeks of 7 am – 3:30 pm and off

Tuesday – Friday – 7 am – 4:30 pm
October 15, 2020

Greg Barnes
Adams County Community and Economic Development
Development Services Division
GJBarnes@adcogov.org

Subject: Tucson South EXG2020-00001
Adams County, CO; CGS Unique No. AD-21-0001-2

Dear Greg:

Colorado Geological Survey has reviewed the Tucson South EXG2020-00001 resubmittal and responses to comments, including an Aggregate Industries-WCR, Inc. Response to Colorado Geological Survey Review Comment on Tucson South EXG2020-00001 Referral (September 23, 2020).

The Tucson South applicant's 9/23/2020 response to comments is intended to address my 9/30/2020 review comments regarding post-reclamation reservoir slope stability under a drawdown condition. The applicant is correct that this analysis is not within the scope of DRMS review, since it is a post-mining, post-reclamation stability concern. However, it is relevant to the long-term stability and viability of the project as proposed, and therefore is within the scope of CGS review.

Since the lined water storage reservoirs are components of the post-reclamation project plans, and Tucson Street is proposed to remain a public road, CGS continues to recommend that the county require stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment, to verify that the proposed slopes below Tucson Street will be stable under all conditions, or to determine a stable slope configuration.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,

Jill Carlson, C.E.G.
Engineering Geologist
October 9, 2020

Greg Barnes
Adams County Community and Economic Development
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601

RE: Aggregate Industries Tucson South, EXG2020-00001
    TCHD Case No. 6516

Dear Mr. Barnes

Thank you for the opportunity to review and comment on a resubmittal of a conditional use permit to allow extraction located near 12255 East 160th Avenue, north of Highway 7 and west of Kuner Road. The case referral materials indicate that the revised plan does not include activities previously planned, including crushing, screening, sales, and truck transport. Tri-County Health Department (TCHD) staff previously reviewed the application and provided the comments below in a letter dated September 4, 2020. TCHD received a response from the applicant, dated September 8, 2020 and the applicant has responded to our comments satisfactorily.

Air Pollution
Exposure to air pollution is associated with a number of health problems including asthma, lung cancer, and heart disease.

Permit Required
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions of hazardous air pollutants, asbestos, and chlorofluorocarbons (CFCs). The applicant’s air permit may be required to be updated for this project. If required, Tri-County recommends that the County require the applicant to have obtained or updated the facility’s air emissions permit as a condition for issuance of a building permit. The applicant shall contact the APCD at (303) 692-3100 for more information. Additional information is available at https://www.colorado.gov/pacific/cdphe/categories/services-and-information/environment/air-quality/air-emissions-business-and-industry

Fugitive Dust
The Colorado Department of Public Health and Environment Air Pollution Control Division (APCD) regulates air emissions, including fugitive dust. Control measures may be necessary to minimize the amount of fugitive emissions from site activities including haul roads, stockpiles, and erosion. The applicant shall contact the APCD, at (303) 692-3100 for more information. Additional information is available at
Air Quality Monitoring and Modeling
The case referral materials indicate that a third party consultant will conduct an air modeling analysis and will commit to installing two real time air quality monitors on site. Data from these monitors will be transmitted monthly to Adams County. TCHD supports air quality monitoring in order to study and analyze sources of pollution, and implement controls to decrease air pollution. TCHD applauds the applicant for making this information available to Adams County and encourages a data sharing platform that would allow for sharing real time data in a timely manner.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions about TCHD’s comments.

Sincerely,

Kathy Boyer, REHS
Land Use and Built Environment Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD
October 14, 2020

To Whom It May Concern:

Re: The Tucson South Gravel Pit Application 2020 Case Number: EXG2020-0001 - (additional questions, secondary comments, concerns)

Apologies if these questions were answered in the online material but I searched for these answers and was unable to find them. Some of the questions are directed to Aggregate while others may apply more to the county.

Regarding the Conveyor:

1. What is the approximate total length the conveyor will travel and at what speed will it travel at? (I have heard both 1.5 and 2 miles)
2. Will there be any wetting stations along the conveyor's journey?
3. What will be the gross weight on the conveyor totally loaded? Given the considerable distance, how much is this estimated to change with the addition of any sleet, snow, or rain?
4. Will there be multiple motors to power it and if so, where will all these motors be located?
5. Will the conveyor be able to start up fully loaded? (i.e. after a power failure or first thing in the morning or if sudden weather changes necessitate a pause)
6. What are the specific sound decibel ratings generated from this conveyor and how much do those ratings vary under ALL operational conditions? (start up, light load vs. heavy load)
7. How many feet from the De La Cruz family residence will material be dumped onto this conveyor and will that be at ground level or in a pit and how often will this location be changed?
8. What decibel, in sound ratings, will the dumping itself create? Has this been tested?
9. How many feet from the De La Cruz family residence will this conveyor belt be located?
10. What safety measures will be required to make sure animals or humans would not be injured by stepping or falling onto the conveyor, or to prevent individuals from dumping things on it as it journeys to its destination?
11. How will the conveyor be permitted in Weld County? Will it go through planning and zoning? Will the process allow for notification to neighbors and public comments? What is the process outside of Adam's County for permitting it through the DRMS?

Regarding Slurry Walls and Trucking:

1. The bentonite slurry walls will require material to be brought in. How many truck loads will be required to supply the bags of this material?
2. Will Aggregate Industries complete the wall themselves or sub-contract it?
3. When excavating for the slurry wall, what is the longest length of cavity that will ever be open at one time and will any cavity ever be open/exposed overnight?

**Regarding Length of Project:**

1. Can Aggregate Industries clarify the specifics of what entails completion of this mining project? (i.e. reclamation signed off on, released from the state permit, all landscaping/fencing finished and approved, 90 day leak test passed, etc.)

2. Will Aggregate Industries be allowed to lease or transfer ownership of these reservoirs, or any parcel they own in the permit, or take payment for any work completed on them, prior to completion of the entire project in this eight year "covenant"?

3. Can Aggregate Industries provide ANY examples of a mining project of a similar size that they HAVE ACTUALLY completed (including reclamation signed off on) in a similar amount of time?

4. Aggregate Industries has stated that mining/reclamation operations will be completed in eight years and that they will not ask for an extension. The reason given for Aggregate Industries failure to mine in their 2004 permit was attributed to a force majeure event (change in market conditions). This one year (conveyor) and eight year mining/reclamation time frame is being touted as an "absolute." **Is there ANY force majeure event that would contractually allow for an extension of this time frame?** (i.e. weather events/natural disasters, fires, accidents, permit issues, law suits/legal issues, terrorism, wars, equipment failures/losses, supply shortages, labor issues, pandemics, etc. - ANYTHING?)

5. Who will test or determine if the conveyor truly is ready/fully functional within the one year time frame stated? And, in the event the conveyor is not suitable/satisfactory/completed/operational within the one year time frame promised, what consequences will exist? What will Aurora do and how will the County proceed then - what will they do??

7. In the event mining and or reclamation is NOT completed within the eight years, can Aggregate Industries detail what would then happen in regards to the mines OR their contractual agreement with Aurora Water?

Setting aside the fact that suitable bonding would be in place, this becomes a VERY complicated matter because the conveyor necessary to mine it is owned/possessed by Aggregate Industries and the conveyor is an integral part of the entire operation. Additionally, the backside of this permit entails the complexities of a very LARGE sum of money being paid to AI for delivering completed reservoirs to Aurora. How do you divvy up what is attributable to these profits? And if a reservoir fails to meet the 90 day water test, whose liability? Whose warranty? This would be a legal nightmare and these legal battles that tangle up these pits can go on for years. Case in point is the Walker South Reservoir just north of 168th - which I am told was completed YEARS ago (for Aurora but not by AI) and still has unresolved legal issues.

**Note:** Aggregate Industries response to my first comments on the eight year guarantee was "...Reclamation bonds, future water storage commitments, and other financial assurances will ensure that project mining and reclamation is complete on time."
January 8, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Ainsworth Trucking Co. Inc. is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. We are a trucking company that has about 65 sub-contractors. We have done hauling with Aggregate Industries for over 18 years. We support this permit as it will help keep our sub-contractors on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,

Steve Ainsworth Sr.
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001. Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

20 Years Resident
Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Elite Transport Service Inc, 11829 Columbine St Thornton, Co 80233, We support this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our 15 employees on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,
Carlos Altzaur

Elite Transport Services Inc,
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora. My family and I already enjoy many recreational areas in Adams County that are former mine sites. My niece caught her first fish at the Thornton gravel ponds.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the Front Range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

Steven Applegate  
7151 Ruth way  
Denver, CO 80221
Dear Adams County Planning Commission,

I am writing this email to express my extreme concern regarding the Aggregate Industries conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district. As you know, this application, if approved, would site an open pit aggregate mining operation immediately to the west of downtown Brighton and directly between downtown Brighton and an extremely large area of Brighton that is currently undergoing new residential development. As someone with more than two decades of experience with above ground and below ground mining operations, I can tell you that despite mitigation efforts, the proposed open pit aggregate mining operation will almost certainly create both dust and noise issues for both downtown Brighton and the surrounding residential areas, both current and future. In addition, the operation will almost certainly depress real estate values during the term of its operation. While the area proposed for this operation may have been an appropriate one 10 or 15 years ago, it is no longer an appropriate area for such an operation. Brighton is growing rapidly and has a very “bright” future. At this point in time, the Adams County Planning Commission should be focused on developing this area in a manner that will benefit Brighton and its citizens as the community continues to grow, not projects that will certainly have an adverse impact on future economic development. The area in question is now much better suited to residential or commercial development, both of which would be much more compatible with the other current and planned developments in the area. It would neither be appropriate, nor responsible, for the Adams County Planning Commission (or any Planning Commission for that matter) to allow an open pit aggregate mining operation to be first established in the middle of a thriving and actively developing community. Accordingly, I would respectfully request that the Planning Commission not approve the proposed conditional use permit for Aggregate Industries. Please include my comments verbatim in the Commission’s report and review of this case. Also, please inform me of any future public hearing dates and forward a copy of the staff report to me when available. Thank you for your time and consideration.

Sincerely,
John F. Ashburn, Jr.
Attorney at Law
From: Jeanne <J.M.Ashburn@hotmail.com>
Sent: Friday, January 29, 2021 3:47 PM
To: Greg Barnes
Subject: Tuscon South EXG2020-00001.

Please be cautious: This email was sent from outside Adams County

Dear Mr. Barnes,

I am writing about the Aggregate Mining operation as a very concerned resident. We moved to Brighton a year ago and love the peace and quiet, and our beautiful neighborhood, Todd Creek Riverside. We moved here to enjoy our retirement years in a friendly, tranquil environment.

Now, a company that purchased neighboring land 8 years ago, and who did not notify anyone moving into this area that they would ruin it with noise, dust, and very ugly conditions that we will have to endure, is threatening our future enjoyment of this area and our home. I am VERY allergic to dust, and am very certain that I will suffer the rest of my life from the dust and mess this will create, not to mention how this will decrease our property values. To introduce a mining operating next to homes that cost almost a million dollars is outrageous!!! It seems Aggregate is trying every way possible to sneak this through. How many more times will they keep pushing this? It was already rejected. Even with their so called improvements, it’s very sad that our city is considering allowing this to happen here!

Although Aggregate Mining has redone their proposed plans, they will ruin the appearance of our city, and make living here far less appealing!

I do not understand that the Planning Committee did not pass this, and yet they are letting another hearing take place about this! They are giving Aggregate a second chance, where we, the people, will NOT get a second chance if this is approved!

It was mentioned at the planning meeting, that the Brighton city council has been “wined and dined” to get this approved! Although I understand that this is how business works, it is absolutely lousy for those of us who will have to pay the price by having to live with this mess, ugliness, noise, dust, health issues, etc. The people that were ‘wined and dined’ are supposed to represent us, not a business that will harm us and make our city far less attractive for many, many years to come.

This project does NOT fit into this community, will bring no value to the area, will harm Brighton’s reputation, and will be negative to future development and growth in the area. We will have to suffer through all of this when any advantages are for another city, and we won’t even be able to enjoy the reservoir in the future because Aurora doesn’t want to have the responsibility and liability! Even when finished, it takes years for reservoirs to fill, and many never do completely, leaving a visually insightful, bare hole. Is this really what we want at the entrance to our historic city?

I know several people who like Brighton and would consider it for a future home. However, if the city approves this, it sends out a message to everyone that Brighton does not care about its residents, and I certainly could not continue recommending it as a good place to live.

PLEASE, PLEASE, PLEASE consider all of the residents and businesses that will definitely be negatively impacted by this!!!

Sincerely,
Jeanne Ashburn
11581 E 161st Ave
Brighton, CO. 80602

Sent from my iPhone
November 16, 2020

Adams County Board of County Commissioners
4430 South Adams County Parkway, 5th Floor, Suite C5000A
Brighton, CO 80601-8216

RE: Comments on the Conditional Use Permit to Allow Extraction Use in Agricultural-1 (A-1) Zone District, Case Name Tucson South, Case Number EXG2020-00001

Dear Adams County Board of County Commissioners:

The City of Aurora Water Department (Aurora Water) appreciates the opportunity to comment on the Conditional Use Permit for gravel mining submitted by Aggregate Industries in case number EXG2020-00001.

The City of Aurora is located within three counties, Adams, Arapahoe and Douglas. Our planning department estimates that 1/3 of our population resides in the Adams County portion of the city. The 2010 census estimated Aurora's population to be 325,000 residents. Currently, we believe that number has grown to nearly 380,000. Aurora is also home to University of Colorado Hospital and the Anschutz Medical Campus, Children’s Hospital, the VA Hospital, Gaylord of the Rockies Hotel and Convention Center and Amazon, all of which are also in Adams County.

As a result of the 2002 drought, Aurora Water began planning the $750M Prairie Waters Project to recapture reusable return flows in the South Platte River below the Metro Water Reclamation Facility. This project became operational in 2010. Water storage through reclaimed gravel pit reservoirs is a critical component to this project. In 2003, Aurora Water signed a contract to purchase the Tucson South gravel reservoir from Aggregate Industries after it had been completed and reclaimed to become a component of the Prairie Waters system.

The front range is experiencing significant growth and with that comes the demand for both water and sand and gravel resources. The Tucson South gravel mine will help provide for both demands within Adams County and larger front range area.

Several years ago, Aurora Water and the City of Thornton executed an Intergovernmental Agreement where water resources were traded in order to eliminate the need for a large multi-million-dollar sewer main from Thornton back to the Metro Water Reclamation Facility. Aurora Water is currently developing Intergovernmental Agreements with South Adams County Water and Sanitation District and the City of Westminster to explore water operations opportunities which will be mutually beneficial to all the water providers involved. Aurora Water has also had some initial discussions with the City of Brighton as well. All these partners are within Adams County and Aurora Water is only able explore these opportunities because of the current and planned infrastructure we have in this reach of the river like the Tucson South facility. Current and future planned infrastructure are central to these discussions and give us the flexibility to work with these partners and other water providers in the region for mutual benefit. We ask for your support for the Tucson South facility which will help Aurora to continue to provide quality water.
service to its customers and allow for additional opportunities to work with our partners within Adams County.

We appreciate your time and the consideration of our comments in the application. Please contact me or my staff with any questions or requests for additional information.

Sincerely,

[Signature]

Mike Coffman
Mayor
City of Aurora
September 11, 2020

Adams County Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000A
Brighton, CO 80601-8216

RE: Comments on the Conditional Use Permit to allow extraction use in Agricultural-1 (A-1) zone district, Case Name Tucson South, Case Number EXG2020-00001

Dear Adams County Planning Commission:

The City of Aurora Water Department (Aurora Water) appreciates the opportunity to comment on the Conditional Use Permit for gravel mining submitted by Aggregate Industries in case number EXG2020-00001.

The City of Aurora is located within three counties, Adams, Arapahoe and Douglas. Our planning department estimates that 1/3 of our population resides in the Adams County portion of the city. The 2010 census estimated Aurora’s population to be 325,000 residents. Currently, we believe that number has grown to nearly 380,000. Aurora is also home to University of Colorado Hospital and the Anschutz Medical Campus, Children’s Hospital, the Veterans Hospital and the Gaylord of the Rockies Hotel and Convention Center and Amazon, all of which are also in Adams County.

As a result of the 2002 drought, Aurora Water began planning the $750M Prairie Waters Project to recapture reusable return flows in the South Platte River below the Metro Water Reclamation Facility. This project became operational in 2010. Water storage through reclaimed gravel pit reservoirs is a critical component to this project. In 2003, Aurora Water signed a contract to purchase the Tucson South gravel reservoir from Aggregate Industries after it had been completed and reclaimed to become a component of the Prairie Waters system.

The Front Range and the City of Aurora is experiencing significant growth and we expect the growth to continue. With that comes the demand for both water and sand and gravel resources. The Tucson South gravel mine helps meet both of these demands within Adams County and the larger Front Range area. Aurora Water supports the approval of this project.

We appreciate your time and the consideration of our comments in the application. Please contact me or my staff with any questions or requests for additional information.

Sincerely,

[Signature]

Marshall P. Brown
General Manager
Aurora Water
Hi Greg,

The City of Aurora has reviewed the proposed landscaping plans Aggregate Industries has commissioned for the Tucson South Mine Project (EXG2020-00001) and approves of the design, trees and vegetation selected. The proposal exceeds the standard the City of Aurora has for our water storage facilities and will enhance the view along Highway 7. This landscaping will provide a significant community benefit both during mining and after Aurora takes ownership of the completed water storage facilities.

I hope you are doing well and we'll see you tomorrow at the hearing.

Thanks,

Rich
Please be cautious: This email was sent from outside Adams County

We don’t need anymore gravel pits. There is a large population of wild turkeys though out that area. There is wild deer in the area. We have gravel pits from Commerce City to Ft Lupton. It looks terrible, the heavy truck traffic has ruined Tucson St. I would hope that Adams County would not make the same money grab that Weld county has done just few miles north.

Thank You,
Ronald R. Barlow,
Please be cautious: This email was sent from outside Adams County

Mr. Barnes

I am writing to you as a concerned citizen of the Brighton area who is OPPOSED the the possible gravel mining pit off of highway 7 at the entryway of Brighton.

Firstly, the focus needs to be on making the town of Brighton an attractive city where businesses and consumers want to invest. A gravel mine would deter this growth as it would be the first thing one sees upon entering the town. An eyesore for years and years is not how you set the city up for success.

Add to that is the list of health concerns that come with this prospect. As I write this the wind is gusting upwards of 50mph. I can only imagine the dust and other sediment that would be getting blown around if this mine were to be approved. As a mother to an asthmatic child, the air quality of this would gratefully impact my sons health cause severe breathing problems and a constant use of his rescue inhaler. We drive past the proposed location daily, to and from school and extracurricular activities. It is not something we could avoid and I would have to consider the possibility of changing schools and leaving beloved activities such as baseball, karate and gymnastics...all that are within the Brighton town limits.

As extreme as that may sound it would have to be something to consider should the health of my child become effected due to poor air quality.

I wish I could continue to tell you more about why I’m so opposed to this...unfortunately I feel like I had very little notice of the hearing today. Having to quickly write this email, I offer up only my greatest of concerns about this...but most definitely not my only concerns.

Please vote no on this proposal. It is not good for Brighton and not what the citizens want.

Best,
Aubrie Beddo

Sent from my iPhone
January 6, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Ainsworth Rock Sales Inc. is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. We are a retail landscaping business located in Denver, CO that has done business with Aggregate Industries for over 35 years. We currently have 6 trucks that utilize all of their pit locations. We support this permit because we do business mainly with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,

Denise Bennett
January 7, 2021

Board of County Commissioners
Adams County
4430 S. Adams County Parkway, Suite C5000A
Brighton, CO 80601

Subject: Aggregate Industries Tucson South EXG2020-00001

Dear Board of County Commissioners,

Concrete Express, Inc. (CEI) owns property and operates our shop/yard facility at 5580 Franklin in unincorporated Adams County for our Heavy/Highway Construction business. CEI and Aggregate Industries have maintained a business relationship in the capacity of vendor, subcontractor, material hauler and supplier for many years.

CEI supports Aggregate Industries’ proposed mining permit EXG2020-0001 Tucson South Quarry due to the need for aggregate materials. Aggregate from this site will facilitate new and reconstruction projects essential to provide quality infrastructure for our community in Adams County and the Denver Metro Area.

CEI supports approval from the Board of County Commissioners for this permit. If you require any further information, please contact me at 303-472-4978 or via email ablackford@ceiconstructors.com.

Regards,

Andrew P. Blackford
Principal
CEI
March 04, 2021

To: Adams County Board of County Commissioners: Emma Pinter, chair; Eva Henry, Chaz Tedesco, Steve O’Dorisio, Lynn Baca

RE: Aggregate Industries Request for Approval of a Conditional Use Permit in a A1 Zone District referred to as: Tucson South Resource

Dear Board Members,

I submit to you my support for approval of the AI permit referenced above. Having been an adjacent land owner to the south parcel since AI was permitted to mine there in 2004, there have been many changes and revisions I've witnessed through the many hearings I've attended.

Looking back to Aggregate Industries' acquisition of the Haake Dairy Farm, their goal has remained the same: with ownership of the mineral rights, to extract the high quality aggregate located there as a permitted conditional use in a A1 zone district. When AI received that 2004 permit from the County Commissioners, none knew of the drastic economic changes that would occur in the years to follow that affected that permit. Now, in this request to receive a conditional use permit, the 1st expiring in 2018, the process has begun again, with incredible changes in the permitting process due to huge, rapid growth issues in this area that you all are now faced with in your decision, as you know!

With all that said, as I look at AI’s continual need to reach their goal to extract the now much needed aggregate, with all the challenges this permit process has been for you as Commissioners, I’m reminded of your Vision for your BOCC –that Adams County be the most innovative and inclusive county in America for all families and businesses! And, for that to be a win-win for both, as much as is possible!

In asking for you to grant this permit to AI, I want to thank you all for looking at all of the current challenges this permit decision has required you to consider. Different pros and cons, as always, but difficult decisions that will affect so many of us with a 9 year permit. Specifically, requiring AI to implement a conveyor system that removes most of the traffic issues, and removing the south parcel, next to me, from the permit. Personally, I am most grateful and I applaud AI’s new staff in their commitment to do whatever has been necessary to meet your conditions. I applaud the City of Brighton and your own planning staff (for all the hours that have gone into this) for their careful long-term look at the end result benefits.

Last of all, at the last recent zoom meeting of the Planning Commission, I heard of the many people who will have employment connecting to this permit, people who are Adams County residents. For them, as well, I ask for your approval of the AI permit. I have lived here on this little piece of ground on the South Platte River for more than 47 years and have been mightily blessed! Your affirmative decision next week will bless a whole lot of others in the long run as well! Thank you.

Sincerely,

Kathy Bloom
12500 E. 160th Avenue
Brighton, CO 80602
January 31, 2008

Adams County Open Space Advisory Board
Adams County Parks and Community Resources
9755 Henderson Road
Brighton, CO 80601

RE: Riverdale Road Agricultural Conservation Easements

Dear Members of the Board,

We celebrate, with you, the recent award of the 5.25 million dollar GOCO Grant for the completion of the South Platte River Corridor projects. That $4 million of it was allocated to see the possible fruition of the preservation of the agricultural lands along the River is really wonderful, isn’t it? We know that your Board has a vital part to play in the decision to use open space funds to help match the GOCO Grant monies. The purpose of this letter is to encourage you to do that and to thank you for all the time and dedication you have all invested to make these kinds of things happen.

In 2003, we worked with Trust for Public Lands to create a conservation easement on our 35 acre parcel of land on the South Platte, just south of CO Highway 7. Years before that, however, we saw how imperative it was to find a way to legally protect the river ecosystem and its wildlife. As conservation easements gradually became a reality, we recognized they could provide a means for that to happen.

During the years since then, we have watched the wild turkey, mule and white tail deer, and so many other mammals and birds that live along the river feed from the few agricultural lands that remain. We strongly support the current plans for Adams County Parks and Community Resources to place conservation easements on the Novak and Winfrey properties with the intent to sell them to the Larson and McIntosh Farms and finally, the placement of conservation easements on the Larson Farm and the remaining part of the McIntosh Farm.

We believe the protection of those farmlands is an essential part of the survival of the wild life that still exists along the South Platte River. And, we know that the money your Board can invest in this project will be a gift to the citizens of Adams County. You offer them a continuance of the legacy of this very special river corridor. We thank you.

Sincerely,

Jack Bloom & Kathy Bloom
February 10, 2009

Adams County Open Space Advisory Board  
9755 Henderson Road  
Brighton, CO 80601

RE: Support letter for the “Lost 40”

Dear Board Members,

My husband, Jack, and I own a bit more than 35 acres near the north gateway to the South Platte River Heritage Corridor. We placed our property into a conservation easement in December, 2003. Prior to that, for several years, I was a part of the Steering Committee that helped create the Corridor.

From the beginning, our primary goal was to find a way to legally protect the diminishing wildlife habitat along the river. In the years since, we have been so pleased to see Adams County Parks do that, piece by piece, either through conservation easements or direct purchase, until now, we are getting close to seeing the Corridor completed from 104th to 160th Avenues.

The “Lost 40” had seemed almost forgotten because it has been so remote and not easily accessed—protection for the wildlife already there by the very nature of it’s location. However, we respectfully ask that you allocate funds for the ADCO Parks grant request. Through a fee simple acquisition, legal protection will be possible to assure the “Lost 40” is never lost to the citizens of Adam County.

With all the unforeseen events that happen through the course of time, it is so important that the River Corridor be legally protected. We look forward to the day that all of the land along the river is included. It will be truly a “win-win” for the people of Adams County through their tax dollars and for the many wild animals who still share their lives with us.

Thank you.

Sincerely,

Kathy Bloom
February 24, 2011

Open Space Grant Program
Great Outdoors Colorado
1600 Broadway, Suite 1650
Denver, CO 80202

RE: 144th Avenue Farmland Preservation

To: Great Outdoors Colorado Open Space Grant Program Staff and Grant Reviewers,

This is a letter of support for the City of Brighton’s grant application request to create a 75 acre conservation easement north and south of 144th Avenue, east of Highway 85.

In 2003, our 35+ acre property west of Brighton on the South Platte River, became part of the north gateway to the South Platte River Corridor. Our conservation easement is habitat preservation for many species of animals and birds that migrate up and down the river. We have learned that essential to our habitat protection is the adjacent agricultural land, (the Medlin conservation easement.) Food sources sustain the food chain! The approximate 75 acres requested in this grant application create more sustainable wildlife populations. Our many kinds of “gleaners” can successfully bring up their young because these kinds of farmland preservations.

Perception is everything, isn’t it? The City of Brighton has historically been surrounded by truck farms, hay fields and crop lands. A “rural” kind of town. Though all the development in recent years has changed much of that, open space tax revenues, voted for by Adams County residents, in addition to the GOCO grants, tell us that there is a mandate from residents to preserve the “rural” aspects of the land that can still be preserved. We and they see it as “quality of life”...why we want to be here...why we want to stay.

We encourage and applaud the City of Brighton’s open space plan and their desire to include in it, the 144th Avenue Farm Preservation. We encourage and applaud your opportunity to grant GOCO funds to match their commitment to this project.

Sincerely,

Kathy Bloom
12500 E. 160th Avenue
Brighton, CO 80602
August 1, 2017

Adams County Open Space Advisory Board
Adams County Parks and Open Space
9755 Henderson Road
Brighton, CO 80601

Re: Riverdale Road Agricultural Heritage Preservation

Dear Members of the Board,

My husband, Jack, and I own 35.43 acres on the South Platte River, just south of CO Highway 7. We placed our property into a conservation easement in December 2003. Having purchased the acreage in 1974, we knew throughout the years that the abundance of wildlife along the River would have to be legally protected to survive.

In the years since, we have been so pleased to see Adams County Parks place piece after piece of property, either through conservation easements or direct purchase, into the South Platte River Heritage Corridor from 104th to 160th Avenues. One of the last large remaining agricultural acreage still outside of that legal protection was the Littlefield property. This letter of support is to encourage your Board to provide the funds to finally acquire a conservation easement there as well.

To provide for a conservation easement on this property, between Riverdale Road and the River, is a huge step in completing the goal of a total legally protected River Corridor and contributes greatly to the scenic beauty of Riverdale Road. The most important aspect, however, is the necessity of preserving this agricultural land, with its water rights, as an essential part of the survival of the ecosystem that sustains the remaining wildlife along the River Corridor.

With all the unforeseen events that happen through the course of time, we know your Board has a responsible to act on behalf of the citizens of Adams County. We trust that you will see this conservation acquisition as a “win-win” for them, as they will see that their tax dollars provided for this legacy, and, when completed, is a permanent life-sustaining gift to the many wild animals who still share their lives with us.

Sincerely,

Kathy Bloom
February 4, 2021

Adams County Planning Commission: Chairman Justin Martinez, Sean Forest, Rosie Garner, Sharon Richardson, Greg Thompson, John Depriest
4430 South Adams County Parkway,
Brighton, CO 80601

RE: Aggregate Industries request for approval of a Conditional Use Permit in a A1 zone district referred to as: Tucson South Resource

Dear Members of the Planning Commission,

I am responding to the 3 to 3 decision your Commission made at the Zoom meeting on January 14. (I was participant l.D. 408087 but chose not to comment then.)

I do so now, because I have been an adjacent land owner to the south parcel since Aggregate Industries was permitted to mine there in 2004. There are two reasons I ask that your Commission vote to approve the A1 permit:
1. In consideration of the comments to object to the permit by nearby fellow Adams County residents.
2. To speak to the possible completion of the South Platte River Wildlife Corridor through a donation by A1 of the south parcel, which is no longer included in this permit application.

1. The people who expressed their view on Jan.14th that the A1 permit should be denied, seemed to feel that the removal of the aggregate on the land north of Hwy.7 is not compatible with current land use considerations. Those who live in the Todd Creek development probably did not attend all the hearings where there were major objections to removal of that prime agricultural land from a rural area and that allowed private septic systems for each residence, despite even Tri-County Health Dept. objections.

Change does bring a need for a new perspective. Do we not all deal with the major acceleration of traffic on Hwy.7 where now it is common that 40-60 vehicles pass by before we can safely access the highway. The serious need for Aggregate Industries to adapt their permit to accommodate these changes in our environment is necessary and we should say so.

I would say, however, in the 47 years I have lived here on an acreage with an A1 zoning, I do see we have a legal right to use what we own in a responsible manner. When A1 purchased the property from the Haake family, their dairy farm had been creating problems for their new neighbors. People
were fearful of the bulls in the nearby pasture, the flies, and the smell of the dairy cows. Their 25+ acre cornfield across the highway, next to me, needed cautious use of their farm equipment back and forth across the highway. 

AI is asking for a Conditional Use Permit for an 8 year span to remove the aggregate they purchased that land to extract. We always knew that. We, on the other hand, decided in 2003, to place our farm into a Conservation Easement to remove all possibility of that happening on our property—because we had the right to do that with our A1 zoning.

2. That brings me to the other reason for asking you all to approve the Al permit. In 1998, I was part of a new steering committee, determined to find a way to legally protect the fragile but amazing amount of wildlife on the South Platte River—both residents and Park officials together in a joint effort. 

The McIntosh Dairy was the first Conservation Easement, ours was soon to follow. By then, we knew we could legally protect the west wildlife corridor of the South Platte through those private easements, County Park acquisitions and completed sand and gravel operations. Our goal was to begin the Corridor officially at 104th Avenue and continue to 160th Avenue—Highway 7. It is almost completely finished. It legally protects the diverse wildlife environment, providing habitat and a food supply from remaining agricultural lands, while increasing public viewing of these wild ones who can still survive among us.

The willingess of Al to donate the south parcel completes the goal we began in 1998: the South Platte River Wildlife Corridor from 104th to 160th Avenue. I could say this permit would put Aggregate Industries into the community as a participant of value!

I appreciate your patience in reading my lengthy comments, as I hope you see a big picture that started a long time ago. The Wildlife Corridor is a legacy we hope to leave to all the current citizens of Adams County, including those in the future who will care about the unique land use consideration it truly is. Thank you.

Sincerely,

Kathy Bloom

12500 E. 160th Avenue
Brighton, CO 80602
303-659-2102

5 enclosures: 3 letters of support requests to ADCO Open Space Board; 1 request to GOCO Open Space Grant Program: sent in 2008, 2009, 2011 & 2017 + 1 map of the Conservation Easement I own adjacent to the Al south parcel.
January 7, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601

To Whom It May Concern:

Ground Engineering Consultants, Inc. (GROUND) has been located at 7393 Dahlia Street in Commerce City, Adams County for 28 years and has approximately 200 employees. We have worked with Aggregate Industries on numerous projects, and in our experience they are a professional and competent materials supplier and construction company.

Recently we have been notified of Aggregate Industries proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. – Gravel Mining Area in Adams County. In addition to sourcing construction materials locally for use in Denver Metro Area construction this would also add water storage and trails for public use.

Aggregate Industries is a reputable enterprise in Colorado and we ask you to approve the permit they seek so we can continue to partner with them in Adams County.

Please contact our office with any questions or concerns regarding the information presented herein.

Sincerely,

GROUND Engineering Consultants, Inc.

[Signature]

James Booze
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries for 7 years, I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since I am a Adams County resident, I know first-hand that the aggregate materials from this quarry will help build the infrastructure that I support and our jobs and families welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. I look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow me to enjoy life on the front range. I urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

Danny Bowen
Good Afternoon,

It is my understanding that gravel mining pits are proposed just west of Brighton’s round-a-bouts. I am writing to express concern over the associated truck traffic that these will likely generate. My Office is off of 19th Ave. and Bridge Street. We have to respond quickly to death scenes. Getting in and out of Brighton is already challenging. This will create additional challenges for us to serve our west end cities. I am adamantly against any development that will create travel issues along Hwy 7 and interfere with the limited avenues out of Brighton.

Thank you,

Monica Broncucia-Jordan • Chief Coroner
Office of the Coroner, Adams and Broomfield Counties
330 North 19th Avenue, Brighton, CO 80601
(303)659-1027 main • (303)659-4718 fax
mbroncucia-jordan@adcogov.org
www.officeofthecoroner.com

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Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. JKJ Trucking LLC, 15970 Dale Ave Fort Lupton, Co 80621, We support this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our 5 employees on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Sincerely,

Luis A Camacho Marrero
January 14, 2021

Adams County Board of County Commissioners
Attn: Honorable Members
4430 S. Adams County Parkway
5th Floor, Suite C5000A
Brighton, Colorado 80601

Via Facsimile: (720) 523-6045

Re: Project EXG2020-00001

Dear Honorable Members:

I am writing this letter in support of project EXG2020-00001.

As you all know, I have been a lifelong resident of Adams County. I have enjoyed the measured growth and development within the county and in many of our municipalities. And, as we all know, the many projects that now have come to define our county, were built with aggregate resources, that often times, came from Adams County. In fact, one of the projects I was proud to build was the Brighton Pavilions, one of the first projects approved within the Brighton Urban Renewal Authority (BURA). In fact, much of the aggregate that was used for the construction of the Brighton Pavilions came from one of the gravel facilities adjacent to the gravel mine presently under consideration.

This proposed use is not only necessary for the ongoing growth and development within the county, but it is temporary and will ultimately make way for a permanent low intensity use in perpetuity. Further, from what I understand, Aggregate Industries has made significant efforts to reduce the impact of their use and to operate as good neighbors.

Thank you for considering my thoughts as you review this application. Feel free to call me if you have any further questions.

Sincerely,

Craig A. Carlson

Craighcarson11@gmail.com
Please be cautious: This email was sent from outside Adams County

As a 30 year Brighton resident I am vehemently opposed to any heavy industry/gravel pits that close to the entrance to downtown Brighton. Do not allow this

Mark Carlson
5111 Purple Mustard Ct
Brighton, CO 80601
January 8, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Clear Creek Trucking Co., Inc. is writing to request the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. We are a local trucking company that has been in business for over 30 years. We primarily haul material for Aggregate Industries. We currently have 16 trucks that haul out of all of their pit locations. We support this permit because we do business mainly with the PLATTE VALLEY facility.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Sincerely,

[Signature]

Natalie Casey
Hi Greg,
I am writing to express opposition to the mining proposal for the site north of Hwy 7 in Brighton. After reviewing the information as well as researching and exploring what these mining operations entail, this does not match what it seems that Brighton is all about. This is very near where we live and with the high winds that occur in this area, this is not appealing in any way. Besides the dust, what about the noise that will affect so many? And what about the construction traffic?
I understand that mining happens, but when it is so near residential and park areas, it detracts and degrades and since mining operations last many years, this is a big concern. Besides, neither Brighton nor Adams County, as far as I understand, will benefit from this operation. Even though the proposal says this will be a reservoir, if it is fenced, that is not an attraction, but a detraction.
Please let me know if you have any questions or if my concerns should be voiced elsewhere.
Thank you for your consideration.
Sincerely,
Cheri Caulkins
343 Miller Ave
Brighton, CO 80601
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

EDUARDO CISNEROS

10 years Resident Adams County
From: Benjamin Cooper <cooperbf@comcast.net>
Sent: Monday, February 15, 2021 9:13 PM
To: Greg Barnes
Subject: Gravel pit

Please be cautious: This email was sent from outside Adams County

Please vote no for Aggregate Industries and their proposed gravel mine at Hwy7 and Tucson street. As a Todd Creek resident this is not something we need in/near/around Brighton. Thornton is already decreasing my quality of life by approving the huge development of Quebec. Please don’t decrease it further with a gravel monstrosity.

Ben Cooper
303-819-0532
Hi,

I just heard that the gravel pits planned west of the gateway to Brighton would negatively impact the South Platte bike paths. My husband and I just moved from Fort Collins to Thornton in October and often walk these paths (we call the paths we’ve found since moving here “hidden gems!”) Is this info. Correct? If so, I’m hoping you decline this location for the gravel pits and place them in areas that the public doesn’t access.

Thanks for your help!

Gratefully,

Donna Cuddemi

E-Code Practitioner
cuddemi@comcast.net
970-689-2292
Good morning,

I live in Brighton, Todd Creek Riverside. I received the letter regarding AI’s application (again) for mining aggregate near my home. I strongly object to allowing this to go forward. I was so proud of the Board for denying their request back in November of last year. It felt like we had advocates who cared about the people who live here and the businesses who want to thrive here. I really hope that advocacy continues.

The trucks that already use Highway 7 and Highway 85 as their main routes continue to destroy the roads, pollute the air, and make living and commuting here a terrible experience. We’ve had to replace 3 windshields since living here due to the lack of consideration from truckers who don’t cover their aggregate loads. As Adams County and Brighton continue to grow, the traffic has become heavier with just the residents. Adding more heavy trucks to that traffic would be a mistake and a loss for those of us who chose to make Brighton our home. We want to build something here, not just focus on revenue for the county. We want a thriving community, not an industrial center. Please don’t let industry and revenue be the primary focus in our county.

Thank you for your consideration.

Christina Cullen | Quality Control Specialist II
Elevations Credit Union
1 Environmental Way, Broomfield
P.O. Box 9004, Boulder, CO 80301
t: 303.443.4672 x. 1813 |

It matters where you bank.

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Please consider the environment before printing.
Hi Greg – I’m writing again as I understand the vote was tied on whether to approve Aggregate’s most recent proposal. I have to express, in the strongest terms, my objections to this proposal.

Aggregate’s proposed mining is not compatible with this area – our neighborhood would overlook this pit. It’s not harmonious with the character of our neighborhood. Any possible future development of the area would be negatively impacted, as seen a bit further north off of 168th. Open pits slowly filling with water are not attractive to developers who might bring projects that will add more benefit to the area and to Adams County. Additionally, there is always negative environmental impact from these mining projects in the form of noxious fumes and noise, which are detrimental to the health and welfare of the existing inhabitants of the area.

The damage that will continue to be done to Highway 7 and Highway 85 will lead to less and less people coming to Brighton to eat, to shop, and to support local merchants. We are at a pivotal point in the growth of Brighton and the surrounding areas. We can continue to disregard these citizens and their health and wellbeing, or we can make a firm commitment to a future of non-industrial growth and the support of Brighton’s small businesses and its people.

Please read my email at the next meeting. Thank you.

Tina Cullen | Quality Control Specialist III
Elevations Credit Union
1 Environmental Way, Broomfield
P.O. Box 9004, Boulder, CO 80301
t: 303.443.4672 x. 1813 |
Please be cautious: This email was sent from outside Adams County
SAY NO TO GRAVEL MINING IN BRIGHTON

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Juan P. La Torre
12 Years Adams County Resident
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Juan Diaz
Enriquez Trucking, LLC.
P.O. Box 383
Hudson, CO 80642

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

I am writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. I do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry and will help keep me self-employed as a single trucker.

Having the construction materials available close to developments helps me to hold down my trucking expenses associated with hauling and delivering it to the job sites.

I appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Thank you,

Nilo Enriquez
Dear Greg,

Please fight on our behalf to make sure these gravel pits do not happen at this location. We bought property out here to be somewhat in the country. We do not need truck traffic and industrial pollution. Please let me know if I can do anything else to stop this ridiculous plan.

STACY FARLEY
10800 E 151ST AVE

Sent from my Verizon, Samsung Galaxy smartphone
Greg Barnes

From: B <faulkenbrando3282@gmail.com>
Sent: Friday, February 5, 2021 5:23 AM
To: Greg Barnes
Subject: NO GRAVEL PITS

Please be cautious: This email was sent from outside Adams County

Let’s improve Brighton! No gravel pits. We seem to be going backwards in this town with improvements. Make good choices for our town!! No one wants ugly AF gravel pits that will produce more traffic and more eye sores.

Sent from my iPhone
To: Mr. Greg Barnes  
Adams County Case Planner  
GJBarnes@adcogov.org  

February 8, 2021  

Dear Mr. Barnes:  

I am a homeowner in the Bartley Subdivision located immediately west of the proposed Tucson South Sand and Gravel Mine Project. I am opposed to this project. I do not believe the proposed project is compatible nor appropriate for the rural nature of this area. I also believe the project timeframes (duration) are unrealistic. The proposed project site is 0.5 mile from our development. My husband and I retired to the Todd Creek area for its peace and quiet and rural nature. We never imagined a sand and gravel mining operation so close to our home. I have read the Adams County (County) Community and Economic Development Department Staff Report (January 14, 2021) and the Aggregate Industries – WCR, Inc Tucson South Resource Conditional Use Permit (CUP) Application (July 30, 2020). While it is clear that the project proponent has revised the original plan to address the concerns of constituents and therefore mitigate some issues, the proposed project is still a sand and gravel mine in an inappropriate location. Additionally, what evidence does the project proponent have to demonstrate that a project of this size can be completed within the specified timeframe? I provide the following comments: 

Aesthetics/Land Use  

COA No. 6 discusses a site landscape plan to address the visual impact of the project. It is unimaginable how berms, trees, and shrubs could mitigate the visual impact of this project’s operation. Traveling east on Highway 7, prior to the project site, you are on a hill. There is no way a landscape plan could eliminate the visual impacts of this project. Sand and gravel mines are a blemish on the landscape; a drive south down SR 85 from Fort Lupton to Brighton provides a good visual of what a sand and gravel mine looks like, and it is ugly. Having such an operation so close to
our Bartley subdivision and the entrance to the City of Brighton would be a blight on our area, not to mention how such a project could negatively affect our property values. I disagree with the project proponent’s view that “the Application provides a proposed use that is compatible and in harmony with surrounding uses...”

Unrealistic 8-year Mining and Reclamation Timeline

I believe the timeframe of 8 years is unrealistic. The project proponent states that mining and reclamation will be reduced to 8 years from the time the conveyors are installed, “assuming” an operating schedule of Monday through Saturday, 7 a.m. to 7 p.m. The project proponent also states they are “committing to no requested extensions of the CUP permit” (CUP pg.5). I question how this will be possible given the factors that could impede the start of the project; for example, obtaining all necessary permits, and the installation of conveyors, as well as factors that could temporarily suspend mining operations such as inclement weather, high winds, equipment failure, the potential implementation of raptor buffer zones, and other proposed measures. For example, raptor buffer zones can be quite large, even up to 0.5 mile. The Tetratech Biological Resources Inventory Report (September 2017) noted, “several large stands of deciduous trees with the potential to support raptor nests were observed throughout the Project area and within a 0.5 mile buffer of the Project area. The east side of the Project area in the riparian corridor along the South Platte River was noted to have a relatively high abundance of potential nesting sites.” A 0.5-mile buffer could significantly impact project operations.

COA No. 32 states, “All mining operations, reclamation of sloping, grading, and initial seeding shall be completed within eight (8) years of the Notice to Proceed, but no later than February 2, 2030.” What if the project is not complete by 2030? I question how project completion would be possible given the factors that could impede the start of the project and factors that could temporarily delay operations. I question how will the project proponent could complete operations within 8 years, not exceed year 2030, and still abide by all CUP requirements. It is likely that the project proponent will request and be granted future County approvals and it is conceivable that this project could extend well beyond 2030.

Conveyor System

The project proponent, has removed all haul out operations and replaced them with a 1.5-mile-long overland conveyor system. While this is a commendable mitigation measure for traffic, I question what happens if the conveyors fail and need to be repaired/replaced. Will dump trucks temporarily replace the conveyor? If this occurs it would result in unanticipated increased air emissions.

While I hope that this project will not be approved by the County, I provide the following comments on the Conditions of Approval:

Recommended Conditions of Approval No. 3; Raptor and Bald Eagle Surveys
COA Precedent to Approval No.3 states, "A raptor and bald eagle surveys shall be conducted by a qualified biologist prior to site disturbance, if any grading or construction activity is planned to occur between October 15th and July 31st." It further states, "In the event that a raptor survey identifies additional nests or documents changes in nest activity status, a site plan detailing raptor nest buffer zones and seasonal restrictions (as provided in the most recent CPW guidance document) shall be provided to the Adams County Community & Economic Development Department." In addition to nesting sites, raptors utilize hunting perches and night roosts. Surveys and site plans should include the identification of hunting perches and night roosts and appropriate buffers. Additionally, the measure requires submission of a site plan but there is no time frame of when such a plan should be submitted (e.g., within 2 days of surveys). Without a specific time frame the plan could conceivably be submitted months after observations. Finally, there is no mention of any County approval of such plan. The site plan should require approval.

Activities Adjacent to the South Platte River

The South Platte River forms a portion of the eastern boundary of Phase II. While COAs 9 and 27 address secondary containment of aboveground petroleum storage tanks and the removal and disposal of fluid spills, I did not see a spill prevention plan, that is, countermeasures that contain, cleanup, and mitigate the effects of a petroleum spill that has reached and impacted the River. With a portion of the project activities being close to the River there should be such a plan. The South Platte River provides rich habitat for many wildlife species and Veterans Park, just across the River, attracts many visitors. Although the proposed project is not supposed to impact the River, a petroleum spill without a plan would certainly be an impact.

Reporting

COA Nos. 11, 12 and 13, require the project proponent comply with all the requirements specified by Colorado Department of Natural Resources' Division of Parks and Wildlife, the Tri-County Health Department, and the Colorado Division of Water Resources, respectively. How will we know if these requirements are indeed being carried out? Is there a reporting mechanism? Is there a third party who will monitor this?

Thank you for the opportunity to comment on this project.

Marilyn J. Fluharty
Please be cautious: This email was sent from outside Adams County

I was horrified to find they had applied again to dig huge pits to remove sand on both sides of Hiway 7. I heard there wouldn't be trucks on 7 as they plan an overhead conveyor for sand. That is unbelievable as it would leak sand on the Hiway.

Please do not approve the digging of ANY sand in that area. It is our only road west and highly traveled and it would forever ruin the entrance to Brighton.

Audrey Franklin
14360 Meadow Lark Ln
Please be cautious: This email was sent from outside Adams County

Please NO more gravel pits....

Please, we have too many gravel pits as it is. They seem to run from north of Ft Lupton to south of Commerce City. Enough Already

This area is home to wild turkey's, deer, and 2 nests of bald eagles. Also you can see Peregrine Falcons & Hawks circling the sky in this area. I'm not sure if they nest here though, I'm guessing the eagles rule the area. I sure there's other animals in this area as well, just can see them from the road.

One eagles nest is by the river and the other is next to Tucson by the dried up pond on the east side of Tucson, north of the old Santa Fa style house.

The turkeys roam all through this area, it's such a beautiful sight, especially when there all together feathers out dancing. So Cool!

The deer roam mostly in the dried pond area and by the trees to the east, but early in the morning just at sun up, you can spot them on both sides of Tucson.

Stop this Please, leave this open to nature, There running out of places to live.

Thank you
Sharon Fullerton
303-475-3320
January 6, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that is imperative to the growth and improvement of our community.

Furthermore, our jobs depend on residential and commercial developments as well as infrastructure projects. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen of Colorado that has provided for my family’s life on the front range. We urge you to approve the permit sought by Aggregate Industries so that together we can continue to build Colorado.

Sincerely,
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Loida Garcia
3 years being a Adams County resident
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Tucson South. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed reservoir to provide water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Joseph Gillespie
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. A& D Trucking Inc, 1261 S Quieto Way Denver, Co 80223, We support this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our 10 employees on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Sincerely,

Juan M Gonzalez

[Signature]
September 17, 2020

Adams County

Re: The Tucson South Gravel Pit Application 2020
   Case Number: EXG2020-0001

To Whom it may Concern,

With all due respect, . . . For those of us who have followed this case and are familiar with the 2019 hearings (presentations, testimony, technical aspects, etc.), aside from now "starting" the project with the conveyor (allegedly this whole project was planned to be primarily mined by conveyor), the nuts and bolts of this application are still the same and an industrial mining operation at the gateway of downtown Brighton should never be allowed!

Last year, at the start of the October 29th hearing, the south parcel had ALREADY been removed from the permit (not counting what they were doing behind the scenes), Aggregate had committed to air monitoring, Aurora had committed to a more decorative fence, and by the end of the hearing the time frame discussed was even less. So it has been disturbing to hear Aggregate Industries, in three different presentations that we have attended, (to city entities and the neighbors), explain how they have now come back with all these significant/major changes. Additionally, the Request For Comments is now making comparisons between their 2004 Permit and this current application to establish some change. The old application should have no bearing. In 2004, the majority of residential subdivisions that line Hwy 7 were not there, our development, Platteview Farms Plaza, was nothing but a pile of weeds and a conglomeration of utility poles and lines, the Pavillions did not exist, the Kum and Go gas station did not exist, and the Roundabout Crossings did not exist. So those 16 years have brought about changes that make their 2004 application not appropriate for comparison.

Additionally, the dangling of the South Parcel as a gift should not be tied to this permit in any fashion. To us it equates to no more than a bribe or pay-to play tactic as it does not take away the gravel pit, or the fact that there is no way to take away the experience, visibility, or association of this gravel mine as you approach the gateway of Brighton (via Hwy 7) or exit it and it offers no great value.

For the record: We are private Business owners that have invested several millions of dollars in Platteview Farms Plaza - (Miller St. & Hwy 7- home to Autowash, Piasano Liquors, Papa Johns Pizza, and Santiagos Mexican Restaurant) - AND are Brighton homeowners. Since the mid 2000's we have worked diligently in multiple ways to help revitalize the Brighton Downtown District, . . . trying to clean it up and create a pleasing environment that would help breathe new life, counterbalance Brighton's challenges, and attract both businesses and consumers to the downtown area, . . . businesses that could thrive because individuals would DESIRE to be
there! Efforts include my husband's 7+/- years as a commissioner on BURA (BRIGHTON URBAN RENEWAL AUTHORITY) and roughly 3 years on the board of the Downtown Partnership - so we are speaking from having been in the trenches and on the front line! Downtown Brighton is challenged and a gravel pit at this gateway negates and undermines ALL that has been worked for (or the millions of tax dollars that have or are currently being spent!) to help negate its challenges.

Regarding the requirements of the Conditional Use Permit:

1. The conditional use is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County. (including wildlife!)

2. The conditional use permit cannot address all off-site impacts.

Please consider the following facts:

1. **HWY 7 IS THE WEST GATEWAY to Downtown Brighton** - and there is no way, traveling this MAIN ROUTE, in either direction that you would NOT be able to see this mine, or experience it. Specifically, you can NOT physically block/berm the view approaching from the west. And it will be visible exiting the city gates as well relative to the elevation and floodway (cannot berm it there). AND, it will also be visible at the Tucson intersection area.

2. **DUST - Environmental Issues of Health and Safety:**

The method of mining will be a DRY mining technique - there will be dust! Slurry walls are created to keep water out of the pit and while the initial dewatering phase may take a year, the ground WILL dry out. Weld County confirmed dust issues on Aggregate’s activities citing the type of wind conditions that exist out here as well as the **physical impossibility** of keeping the expansive overburden piles and surfaces wet enough to prevent it - and Aggregate’s own representative admitted as much during a hearing!

Crystalline silica dust is one of the particulates commonly found in gravel operations - and this is a known carcinogen! "This respirable silica dust causes lung disease and lung cancer. It only takes a very small amount of airborne silica dust to create a health hazard." (https://www.silica-safe.org/know-the-hazard/why-is-silica-hazardous)

- **Dust particles** (PM\(_{10}\)) (big dust particles) can range in size from 2.5 to 10 micrometers in diameter. They can stay in the air for a number of minutes to a number of hours and **can travel as little as a hundred yards or as much as 30 miles**!

- **Fine particles** (PM\(_{2.5}\)) (small dust particles) are 2.5 micrometers in diameter, or smaller, and can stay in the air for days or weeks -- and **can travel much farther; many hundreds of miles**! (and it is the smaller particles that are much more dangerous) (https://webcms.pima.gov/UserFiles/Servers/Server_6/File/Government/Environmental%20Quality/Air/Air%20Monitoring/AWhatIsParticulateMatter1.pdf)

Air monitoring may sound good but **gusts, pockets, and swirls of wind NEVER disperse dust equally or proportionately.** You could not physically have enough monitors to accurately track
true air quality. We were recipients once of a nasty gram (certified letter) from Todd Creek Village Parks and Recreation's legal counsel that accused us of painting a portion of their white rail fence brown - threatening repercussions for not fixing it! The fence appeared that way because of light moisture (misting rain) followed by an unequal (which is typical) dispersion of heavy dust. A monitor 200' away would never have picked up the same air/dust reading that we would have had at our house. So even though air monitoring may sound good, it is really pointless because it doesn’t solve, resolve, or even accurately track the problem. (letter and pictures available upon request!) (WET MINING WOULD GO A LONG WAY TO SOLVING THIS ISSUE)

3. **TRUCKING:** The trucking impact will still be felt. Aggregate Industries has stated in their neighborhood and city presentations that roughly 75% of their product comes back down into Adams County. Per their application last year it was estimated that the quantity extracted from the Tucson South Mine would necessitate 420 semi-truck trips a day in traffic. If 75% of that quantity (or whatever quantity) moves back down into Adam's County, that is a lot of additional trucks. These trucks will use Hwy 85, Hwy 7, and County Rd. 2 to arrive at their destinations and then return. Note: Aggregate Industries is alleged to have had a previous road maintenance agreement in place with the Tucson North mine that they are said to have not honored. This was brought up at the Neighborhood Meeting and Aggregate side stepped it at the time and has still never addressed it. There is current road damage (sinking) to Holly St. (NW corner Holly/Hwy 7- turn lane to go west onto Hwy 7) which has been caused by gravel trucks sitting and waiting to turn west (tax payers will likely pay for the repair) and we do not think that it is unreasonable for Aggregate to step up and address their past permit/damage and whether or not they honored their agreement.

4. **Length of project/mining.** No matter WHAT commitments are made up front, there is NO easy way to solve an incomplete job/project. It would be irresponsible to disregard the history of mining pits because history speaks VOLUMES about the truth. (I believe the state permit called for 33 years)

5. **Reclamation and end use of land:** The Platte River corridor throughout Adams County has been pock marked and scarred with endless mining. Not every community has the opportunity to have river front property or access to it. It should be valued - especially with this land sitting right outside the downtown gateway as it has access off of major roads, and an additional intersecting road.

Aggregate Industries suggests that there is not much other use for this land. Yes there is a portion that is in a flood way (unbuildable but could have community uses), **but 100 year flood plains are buildable!** I have sold both residential and multifamily homes that were built in 100 year flood plains and have seen successful commercial developments as well. (Campus? Medical facility? Sports fields/Soccer fields, etc.) They would all hold more value than an augmentation reservoir that may or may not have water in it. **HIGHEST and BEST USE** of land should always be considered.

Please see these links for consideration as to creative uses for Floodplains:
The current reclamation calls for the end use of this land to be augmentation reservoirs for the City of Aurora and augmentation reservoirs are not drinking water reservoirs. They are often half empty. Aurora has some north of 168th that are empty and their current reservoir off Tucson St. epitomizes blight.

6. **FENCE:** The fence that is being shown will be a possibility AFTER the project is completed but nobody seems able to answer what the fence will be during construction and mining. Adams County Development Standards and Regulations 3-38-066-12 (regarding gravel pit operations) requires the “prison fencing” ("V" mesh or chain link fence to a height of 72” topped with three strands of barbed wire canted to a 45 degree angle). How much this can safely be altered (if at all) is questionable. The sides of the mine (known as the high-wall) are extremely lengthy (2300 feet on the previous DRMS application) and will be nearly vertical during mining. They only become less steep (3-1) in the final reclamation.

7. **COST BENEFITS:** There are really no benefits to the City of Brighton or Adams County but in the neighborhood and city presentations, Aggregate Industries states that there could be benefits of up to a 30% savings in having a quarry less than 25 miles away. Given the number of gravel pits out in the Weld and Adams County region, (less than 25 miles away) we all should be able to get GREAT pricing because of our proximity! - But we have personally purchased tons and tons of a variety of different aggregate (including concrete) for various applications over the past several years and **pricing is and has been relatively similar across the WHOLE metropolitan area!** This would apply to Aggregate in bidding a job - giving them room for a higher or lower profit margin, (and Aggregate Industries admitted this in our private meeting with them), but I would love to see where this would EVER benefit anyone in general.

8. **The Adams County Mineral Extraction Plan** (Multiple-Sequential use of Commercial Mineral Property) states “it is the intent of the state legislature, through this statutory guideline, to make mining areas **beneficial to the community before, during and after mining.**” Aggregate's plans seem to be a revolving door so commenting on what they actually are is difficult. However, their current proposed reclamation leaves the pits to be filled as reservoirs for the City of Aurora - with no public access. The trail they reference will be outside the fence along Hwy 7 and so nothing in this plan benefits the community, the wildlife, or the City of Brighton in any fashion. In fact it successfully does the opposite by blighting Brighton’s west gateway. There are already two reservoirs straddling Tucson St. which also fail to benefit our community or the native wildlife. They are fenced, ugly, and surrounded by infinite weeds and dirt.

9. **Wildlife:** At last year’s hearings, Aggregate Industries implied that gravel pits were beneficial to the area’s wildlife and that the wildlife would grow and benefit from it. Besides removing all the surface area from any sort of wildlife use, Aggregate will also be REMOVING all the
cottonwoods that exist on their east parcel (a band that runs from the river towards Tucson St. - home to many forms of wildlife). Additionally, no bushes or trees can be planted on the perimeter due to potential damage to the slurry wall. Please go look at the two existing reservoirs off Tucson St. and see if you really think these fenced pits benefit or increase the wildlife.

10. **THIS HAS TO BE WEIGHED IN ON:**
Brighton has benefited greatly from the residential growth to the west of the city (off Hwy 7). The growth has really helped to support and build businesses/revenue, but much of this west area is in a "no man’s land" (for retail or services). It leaves consumers picking between “drives” that are either east into Brighton, west towards Larkridge/I-25, or south down into Thornton. **This is important because incentive to go into Brighton could soon be diminished by Thornton’s current aggressive plans for growth (even up into Weld County).**

We attended Thornton’s May 26th City Council meeting and twice in a discussion on a proposed med/higher density subdivision, it was vocalized that they did NOT want consumers/homeowners going to Brighton for business!!! They want the tax dollars in THEIR community. They are approving some major development with much of it currently calling for six lane roads to flank it, (i.e. Quebec and Holly) - REGARDLESS of not having the necessary infrastructure (Hwy 7 staying two lanes!) to support it. Some of the zoning for this sort of density was approved years ago with the assumption that the RTD's FasTracks (light rail) North Station (Colorado/Hwy 7) would be complete. However, FasTracks was estimated to be another 20 years out, . . . PRIOR to COVID! There are no immediate plans from CDOT to expand Hwy 7. But this has not stopped Thornton from approving these developments without having the necessary and crucial infrastructure in place. **This will make the commute to Brighton a longer and less feasible or appealing endeavor** – and adding a visible gravel pit to the gateway will only exacerbate the negativity of this drive and further diminish the appeal of Brighton.

Please, PLEASE consider the negative aspects of this proposed gravel pit. **THIS IS NOT THE RIGHT LOCATION FOR THIS SORT OF INDUSTRIAL ACTIVITY and there is so much more that can be done with this land!** For the sake of so many in this community, who call this home, please care.

Respectfully submitted,

Mark Cordova and Sherie Gould-Cordova
Downtown Brighton Business Owners - Platteview Farms Plaza
124-128 W. Bridge St.,
Brighton, CO 80601
(303) 880-6788

5680 E. 165th Pl.,
Brighton, CO 80602
October 14, 2020

To Whom It May Concern:

Re: The Tucson South Gravel Pit Application 2020 Case Number: EXG2020-0001 - (additional questions, secondary comments, concerns)

Apologies if these questions were answered in the online material but I searched for these answers and was unable to find them. Some of the questions are directed to Aggregate while others may apply more to the county.

**Regarding the Conveyor:**

1. What is the approximate total length the conveyor will travel and at what speed will it travel at? (I have heard both 1.5 and 2 miles)
2. Will there be any wetting stations along the conveyor's journey?
3. What will be the gross weight on the conveyor totally loaded? Given the considerable distance, how much is this estimated to change with the addition of any sleet, snow, or rain?
4. Will there be multiple motors to power it and if so, where will all these motors be located?
5. Will the conveyor be able to start up fully loaded? (i.e. after a power failure or first thing in the morning or if sudden weather changes necessitate a pause)
6. What are the *specific* sound decibel ratings generated from this conveyor and how much do those ratings vary under ALL operational conditions? (start up, light load vs. heavy load)
7. How many feet from the De La Cruz family residence will material be dumped onto this conveyor and will that be at ground level or in a pit and how often will this location be changed?
8. What decibel, in sound ratings, will the dumping itself create? Has this been tested?
9. How many feet from the De La Cruz family residence will this conveyor belt be located?
10. What safety measures will be required to make sure animals or humans would not be injured by stepping or falling onto the conveyor, or to prevent individuals from dumping things on it as it journeys to its destination?
11. How will the conveyor be permitted in Weld County? Will it go through planning and zoning? Will the process allow for notification to neighbors and public comments? What is the process outside of Adam's County for permitting it through the DRMS?

**Regarding Slurry Walls and Trucking:**

1. The bentonite slurry walls will require material to be brought in. **How many** truck loads will be required to supply the bags of this material?
2. Will Aggregate Industries complete the wall themselves or sub-contract it?
3. When excavating for the slurry wall, what is the longest length of cavity that will ever be open at one time and will any cavity ever be open/exposed overnight?

**Regarding Length of Project:**

1. Can Aggregate Industries clarify the specifics of what entails completion of this mining project? (i.e. reclamation signed off on, released from the state permit, all landscaping/fencing finished and approved, 90 day leak test passed, etc.)
2. Will Aggregate Industries be allowed to lease or transfer ownership of these reservoirs, or any parcel they own in the permit, or take payment for any work completed on them, prior to completion of the entire project in this eight year "covenant"?
3. Can Aggregate Industries provide ANY examples of a mining project of a similar size that they HAVE ACTUALLY completed (including reclamation signed off on) in a similar amount of time?
4. Aggregate Industries has stated that mining/reclamation operations will be completed in eight years and that they will not ask for an extension. The reason given for Aggregate Industries failure to mine in their 2004 permit was attributed to a force majeure event (change in market conditions). This one year (conveyor) and eight year mining/reclamation time frame is being touted as an "absolute." **Is there ANY force majeure event that would contractually allow for an extension of this time frame?** (i.e. weather events/natural disasters, fires, accidents, permit issues, law suits/legal issues, terrorism, wars, equipment failures/losses, supply shortages, labor issues, pandemics, etc. - ANTHING?)
5. Who will test or determine if the conveyor truly is ready/fully functional within the one year time frame stated? And, in the event the conveyor is not suitable/satisfactory/completed/operational within the one year time frame promised, what consequences will exist? What will Aurora do and how will the County proceed then - what will they do???
7. In the event mining and or reclamation is NOT completed within the eight years, can Aggregate Industries detail what would then happen in regards to the mines OR their contractual agreement with Aurora Water?

Setting aside the fact that suitable bonding would be in place, this becomes a VERY complicated matter because the conveyor necessary to mine it is owned/possessed by Aggregate Industries and the conveyor is an integral part of the entire operation. Additionally, the backside of this permit entails the complexities of a very LARGE sum of money being paid to AI for delivering completed reservoirs to Aurora. How do you divvy up what is attributable to these profits? And if a reservoir fails to meet the 90 day water test, whose liability? Whose warranty? This would be a legal nightmare and these legal battles that tangle up these pits can go on for years. Case in point is the Walker South Reservoir just north of 168th - which I am told was completed YEARS ago (for Aurora but not by AI) and still has unresolved legal issues.

**Note:** Aggregate Industries response to my first comments on the eight year guarantee was "...Reclamation bonds, future water storage commitments, and other financial assurances will ensure that project mining and reclamation is complete on time."
However, Back in 2000, the City of Westminster "entered into an agreement with CAMAS (now Aggregate Industries-WCR, Inc. (AI)) for the creation of a water storage vessel near the town of Wattenberg in Weld County - which was originally scheduled to be delivered in 2008." This had a reclamation bond AND a future water storage commitment -- but somehow that didn't help them keep their commitment and they (surprise, surprise) didn't make their deadline. (Market issues and permit issues were blamed) In fact it took them till December of 2019 to deliver out just a portion of what they agreed to! They now have till mid 2022 to deliver out the rest (apparently that being more than what they delivered out last December, AND a revised agreement with the city spells out under what circumstances AI may open a gravel operation (other than Wattenberg), "such that the financial incentive to work elsewhere does not cause a delay at Wattenberg." (this should be looked into!)

The whole time frame pitch is a Pandora's Box waiting to be opened and solves nothing for the community, county, etc.

Regarding Ground Water or Other Issues caused by mining:

1. Relative to the fact that ground water will likely rise even "more" at this site, (previously, the northern gravel pits caused this) how much time is given for Aggregate to respond and remedy problems caused by this issue (or any issue)? ------ Both septic and water are essential basic requirements (or even a dry basement). The last application gave Aggregate 30 days to do something if there were well issues (don't know about septic) and that time frame seems flat out wrong! These slurry walls block the natural flow of underground waterways and this is not a small area that will be affected. There is a high likelihood that some properties will be impacted - especially the De La Cruz property or the others that have very high ground water now. Homeowners/landowners shouldn't have to wait, fight, or face the financial burden of fixing it themselves or "suing" to make things right. Nor should they have to suffer these sort of consequences in the first place - as a variety of neighbors already have.

In 2018 Aggregate was fined for a ground water mounding issue that had knowingly gone on for SEVERAL years! - (causing flooding to a neighboring property). (The Board's investigation found failure to comply, failure to monitor/report, failure to act, etc.) Aggregate knew about it (the complaint was ongoing) but it took several agonizing years, an investigation, AND civil penalties to get them to step up and do the right thing.

Additional Comments:

1. Regarding visibility - Even if portions are shielded, this mine WILL STILL BE VISIBLE from a number of areas, . . . including in the winter, in the dark, with ALL the lights running till 7:00pm! In fact from the top of the hill you can see across the whole valley all the way up to the Thornton Reservoir! And the portions with "living screens" will take years to adequately block views. Additionally, overburden piles, (up to 30' high per the DRMS permit), will have equipment running on them, both in their creation AND in the reclamation, (which Aggregate claims will be running concurrently with mining activities).
The significance of this visibility is that it DOES AFFECT HOW FOLKS FEEL ABOUT THEIR COMMUNITY and it DOES affect its desirability (or lack thereof) and therefore it also affects property values. I'm speaking from 35 years of being a licensed real estate agent - plus our personal commercial/retail experience in wrestling with the struggles of Downtown Brighton. Brighton doesn't need more blight and industrial activity associated with it - and you cannot adequately eliminate this LARGE negative impact.

2. **Regarding Dust** - The Weld County Planner stated that dust issues were from the physical inability to keep the overburden piles wet enough (it wasn't from lack of trying). Several dust monitors cannot even begin to cover the enormous amount of the ground that will be disturbed in this application so truly what do they tell you? If Aggregate is so confident that there will not be dust would they be willing to accept fines for each 15 min period the air was OVER acceptable limits - with even MORE monitors???

3. **End use and benefit to community** - The south parcel really provides no measureable appeal/benefit to our community. It is basically a very large treeless field with a nice view of Hwy 7. Competing with it is Veterans Park - which has much better access, paved parking, bathrooms, kiddo play amenities, nice shady areas, nature paths, excellent river access/trails, etc., etc. The money spent to make this field desirable would be MUCH better spent in other places. Regarding Aurora's reservoirs, they will rob a huge amount of acreage/ground that will permanently be lost to any benefit for the community OR wildlife. We don't even get a sidewalk out of it. The miniscule benefit of a crusher fine trail does not offset this loss. Nor does a "storage pond surrounded by floodplain-friendly fencing." Aggregate Industries missed the point of #10 in my previous comments (re: THIS HAS TO BE WEIGHED IN ON) - it was really about the things that take away the appeal or the desirability of a city, town, or drive/commute. Traffic from the mining was not a part of that. Brighton STRUGGLES to counter balance its challenges and it works hard to TRY to bring business and consumers in. A gravel pit at its doorstep, combined with Thornton's aggressive development (aimed at keeping business $$) will diminish that appeal. All this is an important consideration when you try to look down the road and assess what you have to do to stay healthy and grow a sustainable city. Planting a VERY large gravel pit outside your main downtown entrance is not one of them.

Respectfully submitted,

Mark Cordova and Sherie Gould-Cordova
Downtown Brighton Business Owners - Platteview Farms Plaza
124-128 W. Bridge St.,
Brighton, CO 80601
(303) 880-6788
Reclamation and end use of land: The end use of this land is just as inappropriate today, as the industrial mining use. Not every community has the opportunity to have river front property - or access to it. It should be valued (especially sitting right outside the downtown gateway), as it has access off of MAJOR roads, has an additional intersecting/cross road, and should serve to connect the city with the residential neighborhoods that support it.

Platteview Farms Plaza, (built 2006) is noted on the map with a white arrow and is just at the start of the downtown district. The Roundabout Crossing, the Pavillions, and the Kum and Go gas station are all post 2004 developments that anchor this downtown area. We and other developers have invested millions of dollars into cleaning up the downtown district and making it desirable for consumers and businesses. There is a proposed “Riverfront Project” across the street that would struggle to ever find investors with an industrial mining operation sitting across the river.
Veterans Park sits literally across the river from the proposed gravel mining operation. Who is drawn to a park with a gravel pit across from it? These two uses are not compatible.
Above is looking south (east) off Tucson St. towards the east parcel. There are a significant number of trees and wildlife habitat that will be destroyed to create one of these ugly reservoirs. 
(Trees noted in green on the first aerial map and the white arrow above shows these trees as well).

Below is looking Northeast
Aside from the gravel pit use, there is the end use to consider as well.

Above is the Challenger Pit - (Aurora’s reservoir off of Tucson St.) - just south of 168th. Aurora has additional reservoirs north of 168th that are currently NOT in use. **Augmentation Reservoirs may or may not have much water in them - if they have any.**

Below is another angle of Aurora’s Challenger pit looking NW to 168th St. **The arrow points to a pickup truck** for size and height reference. These ugly “storage” reservoirs should not be occupying land off of a significant corridor that could offer so many higher uses AND benefits to both the community and the County.
Dust does not fly or swirl equally. Dirt devils are frequent! And little bit of moisture in the air causes the dust to adhere. The main anchor at the Platteview Farms Plaza development, at the start of Downtown Brighton, is a Car Wash and 99% of the vehicle that leave there have varying degrees of moisture on their vehicles - which would cause ANY airborne dust to adhere!!!

Because air dispersion is unequal, the amount of dust can be heavy in one area and non existent in another. The picture below shows some of where it was heavier or lighter. That is the problem with air monitoring - it is not a true representation. If you had had an air monitor here 200’ to the north, it would not have picked up any of this significant dust.
**Regarding Land Use:** Aggregate Industries has frequently claimed there is no other use of the land off Hwy 7 and Tucson St. land. This beautiful facility sits on the NW corner of 168th (County Rd 2) and Hwy 85. It was built on both floodway and flood plain. This is looking northward off of 168th St.

Note the bridge and creative use of land. - All beneficial to the community, and wildlife.

Same building looking primarily westward off of 168th (near the corner of Hwy 85)
Same building looking west off of Hwy 85 (floodplain and floodway use including on the building noted here on the far right)

This facility (far right - referenced above) was built in floodplain/floodway as well.

Please weigh in on all of the above. The proposed land use is NOT compatible or harmonious, it would endanger future development as well as hurt existing development, and the problems it creates can not be adequately eliminated.
Hello Greg,

Couple of questions for you:

Has AI shared/announced any new changes to their permit application since the last hearing? Is there a deadline for them to make or announce changes or can that happen up to or even during the hearing at a planning commissioners hearing?

During any of the hearings (2019 or now) the De La Cruz residence off of Tucson St. has never been depicted or even discussed or acknowledged. Can it not be reflected on the map so that those who are clueless, would know that there is a home/family there? This is just not fair to them to act as though they do not exist.

During the last planning hearing, it was presented that one of the new things about AI’s application was that the south parcel was now removed so there would be no truck traffic, etc. To me this is a misrepresentation because at the second BoCC hearing in 2019, at the start of the hearing, this had already been removed. They had also agreed to more decorative fencing, air monitoring and reporting, seeded berms, a crusher fine trail, 196 trees, etc. at this time. It seems very misleading to present these as changes to their application.

Also, the current conditions of approval still do not adequately protect owners in terms of septic issues, well issues, groundwater issues, or even water in basement issues, - leaving them to battle it out with AI. And this has ALL happened before. Can this not be addressed in the conditions? This is a significant amount of ground that will have the natural flow of underground water permanently affected and even the DRMS acknowledged the likelihood of groundwater mounding in areas. And then there will be other areas that will not receive the normal water or ground moisture that it would have prior.

Regarding the fact that the BoCC Commissioners have agreed to waive their statute regarding the required fencing for mining operations, where would I best address safety concerns or just concerns about unequal applications of this rule/statute? It seems if a wooden three wire fence is deemed safe, and there is no concern about the homeless/drunks, etc. that sometimes frequent that area, it should be safe for all, and the statute should be changed to reflect this and an equal application. If the floodway is the reason this is waived or not allowed, then Thornton’s fence (existing in a floodway) should be changed to conform to floodway requirements.

Thanks for your input and time in these matters,

Sherie

Sherie Gould, GRI
Broker Associate
Sterling Real Estate Group, Inc
303.919.1703 Cell
Hi Sherie,

No changes have been proposed to the application. There is no deadline for proposing changes.

I cannot speak on behalf of the DeLaCruz family. They have not submitted any public comments to my knowledge. I can specifically identify the location of a residence along Tucson Street, if you that would make you feel better. Please do, absolutely! This will destroy their property value and their quality of life. Mark met the wife and she said her husband has been working out of town and that they are scared and that AI has been bringing them gifts.

My question below re: conditions of approval not protecting individuals is because I have heard "fear of retaliation" from multiple neighbors. An example being if they complained or filed a complaint about something that AI did, that AI would intentionally delay their response in addressing pertinent issues (i.e. well issues: dragging it out 30 days, costing lost crops or it would get fixed temporarily to then start another 30 cycle)

The removal of the south parcel is a change from their original application, as submitted. It is important to note that so that the Commissioners and public understand that the parcel is not included in this application. While I understand "technicalities," I think it is more important that the Planning Commissioners understand what had been on the table for consideration (where things stood in 2019) when the BoCC made their decision. Taken now at face value, one would assume that these details and concessions are all new - and AI has repeatedly pushed this perception in all their presentations to sell the idea that they have made significant sacrifices and changes in their "new plan." Yes, please pass this along.

Would you like me to pass along those additional comments to the Planning Commission?
My work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm

From: mcsfh157@aol.com <mcsfh157@aol.com>
Sent: Friday, February 5, 2021 2:44 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: Questions re: Tucson South Gravel Pit

Please be cautious: This email was sent from outside Adams County

Hello Greg,

Couple of questions for you:

Has AI shared/announced any new changes to their permit application since the last hearing? Is there a deadline for them to make or announce changes or can that happen up to or even during the hearing at a planning commissioners hearing?

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Also, the current conditions of approval still do not adequately protect owners in terms of septic issues, well issues, groundwater issues, or even water in basement issues, - leaving them to battle it out with AI. And this has ALL happened before. Can this not be addressed in the conditions? This is a significant amount of ground that will have the natural flow of underground water permanently affected and even the DRMS acknowledged the likelihood of groundwater mounding in areas. And then there will be other areas that will not receive the normal water or ground moisture that it would have prior.

Regarding the fact that the BoCC Commissioners have agreed to waive their statute regarding the required fencing for mining operations, where would I best address safety concerns or just concerns about unequal applications of this rule/statute? It seems if a wooden three wire fence is deemed safe, and there is no concern about the homeless/drunks, etc. that sometimes frequent that area, it should be safe for all, and the statute should be changed to reflect this and an equal application. If the floodway is the reason this is waived or not allowed, then Thornton’s fence (existing in a floodway) should be changed to conform to floodway requirements.

Thanks for your input and time in these matters,

Sherie

Sherie Gould, GRI
Broker Associate
Sterling Real Estate Group, Inc
303.919.1703 Cell
Hello Greg,

Couple more questions for you:

1. I had specifically asked AI how many semi truck loads it would take to bring in the bentonite necessary for creating the slurry walls but they chose not to answer. My recall is that per the DRMS permit these walls will average 32’ deep and per one of the DRMS staff members, 3’ is a good average width for calculations. There will be a couple of miles of wall that will need to be created and while I realize that the slurry wall is a mixed ratio, there is still a significant amount of trucking that will need to occur to bring in this material. Per the County Permit, Aurora’s Tract K, up on the hill, was where they had planned to stage all this material. If they reach this area by crossing land off Tucson St. they will have to bridge over two ditches. So will this be brought in off of Hwy 7 on Aurora’s entrance??? Was this ever addressed in the permit? Trucks pulling out onto Hwy 7 could be extremely dangerous. (My recall is that per the permit, slurry wall building was estimated to be at least a six month project.)

2. Also, regarding this permit, how is the building of a slurry wall defined? Is it legally being defined or categorized as an act of mining? We have been told that AI will not be able to start mining until the conveyor is finished and operational. (assuming operational?) Could you please clarify what the county is considering slurry wall building to be and whether that has been directly addressed in this permit? (re: when they can begin that portion?). Per Aurora, Aurora has an agreement to purchase/take ownership upon completion of the slurry walls and if that occurs prior to completion of the conveyor, it would greatly complicate matters regarding the use of this land.

Also, for the record, I reverified with the DRMS, any part of the conveyor not in an existing mining permit would need to be permitted through the DRMS.

Thank you for your help in these matters,

Sherie

Sherie Gould, GRI
Broker Associate
Sterling Real Estate Group, Inc
303.919.1703 Cell
February 10, 2021

Re: Tucson South Gravel Pits
EXG2020-00001

Dear Planning Commissioners,

The decision you make on the Tucson South Gravel Pits may have years of ramifications. Our development, Platteview Farms Plaza sits roughly 1300' to the east of it and we have given years of sacrifice, and hard work, battling to make it a success and to help build up the appeal and desirability of the downtown area. There have been a lot of hard years and three minutes of speaking is not adequate to share some of the information we think you should know before you make your decision.

Comparisons between the 2019 permit and the EXG2020 permit:

You may hear how much this application has changed but please know that by the second BoCC hearing in 2019, the south parcel had ALREADY been removed and Aggregate Industries had committed to air monitoring and reporting, a more decorative fence, seeded berms, 196 trees, a gravel (crusher fine) trail, etc. From the beginning, this whole permit was presented as ONLY using trucking until the conveyor was built (estimated 1-1.5 yrs). However, it sounds more sacrificial and impressive if you present it as being 180 degrees different and have a lot of experts speak and then show impressive (but NOT realistic) oversized landscape drawings that will magically shield this UGLY industrial mining activity. (see attached 2019 BoCC Hearing Photos)

Examination of the eight (8) year Mining Promise

Aggregate has repeatedly promised an eight year mining time (not counting one year + six month possible extension for building the conveyor) - claiming they will just walk away if not finished. (Which in itself isn't even legally possible). When asked HOW they can guarantee this, Aggregate's response was "...Reclamation bonds, future water storage commitments, and other financial assurances will ensure that project mining and reclamation is complete on time." When asked for references of ANY similar size project that they have completed in a similar time frame they avoided answering.

So it is important to know that back in 2000 the City of Westminster "entered into an agreement with CAMAS (now Aggregate Industries-WCR, Inc. (AI) for the creation of a water storage vessel near the town of Wattenberg in Weld county - which was originally scheduled to be delivered in 2008." (side note: their Weld County Plant and all their land up there still shows CAMAS as 79.99% owner and Denver Aggregate as 20.01% owner and if you didn't know, LafargeHolcim owns AI). Their Westminster agreement had reclamation bonds, future water storage commitments, financial penalties, PLUS existed with CONCURRENT RECLAMATION and a conveyor, yet they are still NOT done. They could promise anything but really, who would be here roughly a decade from now to call them out on it? (see attached Westminster docs)
Additionally, they are in the process of filing a new permit with the Division of Reclamation, Mining, and Safety (DRMS) to help finish this commitment (Baurer Pit). HOWEVER, it is currently on hold pending a couple of missing items - one being that they missed listing a subsurface owner (50% per county records) in the application. Nearly 60 days out this has still not been resolved and they had to ask for an extension.

**Reclamation in the real mining world:**

Aggregate Industries mined the Tucson North site for Thornton. It sits on the east side of Tucson St. just north of the Tucson South site. In that permit there was a parcel (south of the slurry walled reservoir) known as Expansion No. I (Phase III). **Reclamation on it called for a minimum of 25 cottonwood seedling trees and 50 willow root stock planted around the wetland area PLUS herbaceous plants, large & small shrubs and wetland grasses.** This parcel slid by reclamation because AI merely shifted it to the Tucson South application (it is now known as parcel M) to be reclaimed as an "upland meadow" by whatever year this project might be completed (if they get that far - but nobody polices this stuff).

Coincidently AI provided a picture of this parcel as the cover of their 2020 application and it highlights the LOVELY overgrown NOXIOUS thistle weeds that grace this parcel - while exemplifying their disregard of state and county rules about noxious weeds, OR respectful land stewardship. Industry insiders say there is no money in reclamation and because the DRMS gives five years after mining is complete to reclaim (and pushing some dirt around constitutes mining) you can move it out indefinitely - because state permits do not expire. AI has still not finished reclaiming the Brighton Mine which was started in 1978.

**The truth about wind and dust:**

In the 2019 hearings AI admitted dust was an issue and additionally, Weld County, (planner Kim Ogle), stated that dust was/is an issue. According to Kim, it is relative to the types of wind we have up here in this territory and he stated that it is physically IMPOSSIBLE to keep that much exposed surface wet (especially the extensive overburden piles), BUT that it is NOT for lack of trying. The DRMS refers to it as wind erosion. The air monitor solution (2 monitors) cannot remotely begin account for the dust that could migrate from all the various places on this vast site. **And air never disperses uniformly.** THERE WILL BE DUST ISSUES!

Back in 2014 we were actually accused of painting Todd Creek Village Parks & Recreation District's white vinyl fence (behind our property) BROWN because a broad swath/band of dust came across our property (and others beyond) adhering to solid surfaces where moisture had been. (see attached photos) This was an extensive amount of dust BUT if had you gone a couple hundred feet to the north OR south, with an air monitor, the air "quality" would have been fine! Moisture has a phenomenal ability to attract or hold dust. **The anchor business in our development is a CARWASH and 98% of EVERY car that leaves there has some degree of moisture on it! You can't force air to behave and it takes ONLY 9 miles an hour to start moving dirt particles.**

https://science.howstuffworks.com/nature/climate-weather/storms/dust-storm2.htm
Please look past the presentation fluff of this application. In the end it will just be two VERY large and ugly gravel pits that will sit here for years. As residents who have put our heart and soul, sweat and tears, into building our business, . . . and TRYING to make Brighton a more desirable and appealing place for EVERYONE to be, we are asking you to say no to this application. It is detrimental, it is NOT harmonious, and it is not compatible. AND, . . . there are no shortages of ACTIVE gravel pits in Weld County (over 60 per DRMS)!

Thank you for your time and your consideration,

Mark Cordova & Sherie Gould-Cordova  
(Business owners and residents)  
Platteview Farms Plaza Retail Center  
124-128 W. Bridge St.  
Brighton, CO  80601

Please find attached: Tucson South Notes and Pictures, Westminster City Council Review of (8 yr) AI Agreement and Highlights from Westminster Closing Agreement
Slide snapshots from the 2nd 2019 Tucson South BoCC Hearing

Random slides from the 2nd BoCC Hearing in 2019. On the Nov. 19th (3rd hearing) the BoCC unanimously turned the application down. For those of us who followed/participated in the hearings, there is NOT a lot that has changed in this new application - except for starting the process with a conveyor and watering the landscaping.

Had to include the wildlife slide because it was laughable and so far from the truth. This permit will allow the destruction of endless acres of habitat including a very large/mature grove of cottonwoods that runs from the Platte to nearly Tucson St.

Hard to see but above was a cross section of the trail and plantings and a VERY unrealistic picture of a completed project. Drive up Tucson St. to see the ugly reservoirs, dirt, weeds and erosion that grace these augmentation reservoirs (which may or may not have water in them). Just north of 168th, Aurora has the Kirby/Dersham reservoirs (sitting empty) and the Walker North and South (maybe 1/3 full). ALL UGLY and graced with weeds!
Regarding the 8 year Westminster agreement -
(See pdf of 2009 Westminster City Council
Meeting for reference to Camas/AI)

ALL of AI’s parcels including and surrounding their
plant still show the ownership being
Camas/Denver Aggregate.

Tract M was mined with the Tucson North
parcel and never reclaimed but was instead
shifted over to the Tucson South permit.

Never mentioned is the De La Cruz family
who lives on the rectangular tract west of
Tract M. Their lives and the value of their
property will be destroyed if mining is
allowed.

Tract K (sits visibly on the hill) will be used
for the staging of the slurry wall construction.
There will be a couple of miles of slurry wall
averaging 32’ deep and 3’ wide (per DRMS)
which will require a significant amount of
trucks for delivery of all the bentonite clay. If
these trucks are entering/exiting off the road
on Hwy 7, that will be very dangerous.
To be served this ridiculous letter was a bit irritating and incredulous all at the same time. While the difference of where the dust/dirt was, and was not, obviously contributed to their conclusion, one would have hoped they would have investigated first. However, this serves as an awesome illustration of how much disparity can exist in the patterns of wind and what it can carry/disperse. **SEE PICS NEXT PAGE**
Todd Creek Fence Incident - taken a day or so after it happened. To the left you can see where the dust faded out. The swath was about 200’ some feet wide sticking to where there was moisture.

This was about a week or more out and the dust had started to wear off in areas. The majority of our winds tend to come from the west.

This was a window at that time.

This picture was taken JUST several weeks ago to show how dust adheres when there is slight moisture or spitting (which doesn’t happen often), but it literally creates a magnet that captures dust particles. Cars leaving the car wash ALWAYS have moisture on them.
Platteview Landing Apartments - 216 Units (1, 2, & 3 bdrm units sitting directly behind our development at the start of the Downtown Brighton district) – Our development sits roughly 1,300’ from the start of the gravel pits and our anchor business is a car wash. **98% of the vehicles leaving the wash have some degree of moisture on them and moisture is a magnet for dust.** It takes ONLY a nine hour a mile wind to start moving dirt/dust particles!
Please consider a bigger picture: Below is the area immediately west of the proposed gravel pits. It is easy to stand in the middle of the 283.2 acres involved in this permit and say it is compatible with itself, but how compatible and harmonious is a gravel mining operation when you look at the bigger picture?

Back in 2004 when Al originally permitted this pit, there would have been very few folks or businesses or even a park that this would have adversely affected. But this area has changed now and it is NOT compatible or harmonious and it will be detrimental to the area/businesses and to the future development in the area.

This is our community! Our homes! And our businesses! AND People ARE very affected by what they see and experience and there is NO WAY to block the valley view as you come down Highway 7 (or for that matter in a number of other areas!), OR eliminate the dust issues, OR guarantee a time frame - even a shorter time frame would be enormously detrimental to this area. Please care about this community and say NO!!
1.2 Election Amounts and Completion.

1.2.1 Storage Amounts.

AI and the City currently anticipate that a range of storage capacities between 4,000 acre feet and 7,000 acre feet may be produced at the Property. AI agrees to complete a minimum of 4,000 acre feet of storage at the Property. Subject to the terms of this Agreement, the City agrees to purchase all storage created at the Property up to a maximum of 7,000 acre feet of storage, with an option to purchase any additional storage created above 7,000 acre feet. Any such storage shall be lined below-grade storage as contemplated by this Agreement. AI will not construct above-grade storage, or storage involving a jurisdictional dam, at the Property without prior mutual written agreement of the Parties. In addition, the Parties may mutually agree by separate written agreement to revise the boundaries of the Property as described in Exhibit A.

1.2.2 Timing.

(1) AI agrees to complete 4,000 acre feet of storage by May 15, 2008 December 31, 2017 and a cumulative total of no less than 4,000 acre feet of storage by June 30, 2020. The City agrees to accept conveyance of this storage capacity and pay for it pursuant to this Agreement. If AI intends to complete more than 4,000 acre feet at the site by May 15, 2008, and if AI provides the notice required in paragraph 2.3, the City agrees to accept conveyance of this additional storage up to a maximum of 7,000 acre feet and pay for it pursuant to this Agreement. The delivery dates set forth above may be extended based on market conditions; namely if AI’s, and its subsidiary entities’, production of sand and gravel materials in the Denver Area Market is less than a total of 1.8 million tons over the prior 12 months or upon mutual agreement. The “Denver Area Market” is defined as the counties of Denver, Arapahoe, Jefferson, Adams, Broomfield and that portion of Weld County south of Highway 32 and east of I-25. AI and the City will meet in July and January of each year for an update on AI’s production of sand and gravel materials from the Denver Area Market during the prior 6 month period and to confirm status of the milestones set forth in the subsequent paragraph. In order to avail themselves of an extension of the delivery dates set forth above, AI has the burden of demonstrating that AI’s, and its subsidiary entities’,

meetings, within the limits of Colorado law. Regardless of market conditions in the Denver Area Market and any extensions of the delivery dates provided pursuant to this paragraph due to such market conditions, delivery of the 2,800 acre foot ('or greater) cell

must occur no later than December 31, 2019. Regardless of market conditions in the Denver Area Market and any extensions of the delivery dates provided pursuant to this paragraph due to such market conditions, delivery of the cumulative total of 4,000 acre feet (or greater) of storage must occur no later than June 30, 2022.

In addition, the following milestones are independent of market conditions and will be accomplished on the following schedule. AI agrees it will commence final design work on the slurry wall for the 2,800 acre foot (or greater) cell of lined storage reservoir contemplated in the Storage Facility Agreement by April 15, 2010 and
1.2. **Closing.** The Parties agree that due to delays in final construction of the reservoir cell, a final survey of the actual storage amount delivered by AI to Westminster at the First Delivery will not be completed and reviewed prior to the end of 2019 as required under provisions of Article 2 of the Storage Facility Agreement, nor will a final survey (or legal description prepared by a professional surveyor) of the Released Property as described in paragraph 3.2, below, be completed by the end of 2019. Despite these facts, the Parties are willing to go forward with closing in phases. As an inducement to Westminster's willingness to have an initial closing in 2019, AI agrees to issue a credit to Westminster in the amount of $300,000. This will amount to a reduction in the overall purchase price paid by Westminster to AI. To the extent all other preconditions are satisfied, initial Closing for the First Delivery shall occur on December 30, 2019, or a subsequent date mutually agreed to by the Parties (the “Initial Closing”). At the Initial Closing, Westminster will pay AI for a total of 2,100 acre feet of storage, less the 2.5% retainerage for the Slurry Wall Warranty Period, and less the 2.5% retainerage for the 18-Month Warranty Period, minus a $300,000 credit in favor of Westminster. This amounts to a payment of $4,687,500.00 at the Initial Closing, exclusive of closing fees and settlements. The conditions precedent to the Initial Closing shall expressly include AI providing to Westminster a certification from the State Engineer’s Office that the First Delivery complies with the State Engineer’s Guidelines for Lining Criteria for Gravel Pits. AI shall also provide a certification from Tetra Tech engineers that all of the requirements set forth in Exhibit B to the Storage Facility Agreement have been completed for the First Delivery in substantial compliance with the specifications contained therein. Both of these certifications must be provided by AI to Westminster on or before 12:00 p.m. (Mountain Time) on December 24, 2019, as a condition precedent to moving forward with the Initial Closing. At Westminster’s sole discretion, failure to provide these certifications by the December 24, 2019, 12:00 p.m. deadline shall result in a postponement of the Initial Closing to January or February 2020. To the extent the Initial Closing occurs in December of 2019, a Final First Delivery Closing will occur at a mutually agreeable date on or before February 24, 2020. At the Final First Delivery Closing, Westminster shall pay to AI for storage amounts associated with the First Delivery over and above 2,100 acre feet based on the results of the Final Survey. In addition, Westminster will convey and AI will

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<td>$4,687,500.00</td>
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For your information, the parties representatives and their contact information are as follows:

**City of Westminster**
Krithi Decker from the City Attorney’s Office
Max Kirschbaum, Sarah Borgers and Megan Orloff from the City's Public Works Department
Lee H. Johnson and Katrina Fiscella — Westminster’s outside water counsel

**Aggregate Industries (AI)**
John Conlin from Aggregate Industries – WGR in Golden
Mark Miller from Aggregate Industries parent office in Texas
Michelle L. Berger — outside counsel for AI
Staff Report

City Council Study Session
October 19, 2009

SUBJECT: Revised and Amended Storage Facility Agreement and Water Lease Agreements with Aggregate Industries

PREPARED BY: Josh Nims, Water Resources Engineering Coordinator
Mary Jay Vestal, Water Resources Engineer

Recommended City Council Action

Concur with Staff’s recommendation to revise and amend the storage facility agreement and consumable water lease agreements associated with the Wattenberg Gravel Lakes Project and bring this item back for official City Council action at the next regularly scheduled Council Meeting.

Summary Statement

- The City entered into an agreement with CAMAS (now Aggregate Industries-WCR, Inc. (AI)) in 2000 for the creation of a water storage vessel near the town of Wattenberg in Weld County, which was originally scheduled to be delivered in 2008.
- The delivery date set forth in the original agreement was unattainable due to permitting delays and a slowed aggregate market.
- Fortunately, the City does not need the storage immediately due to a slow down in the rate of development in the City; however, this project is a vital part of the City’s Comprehensive Water Supply Plan.
- City Staff and AI have negotiated a revised and amended storage facility agreement to revitalize the project.
- Along with this revision, two temporary water leases have been renegotiated for AI’s mining needs.
- Staff will explain the terms of the new agreements in greater detail at the Study Session and would like to then bring them before Council for approval.

Expenditure Required: $ 0

Source of Funds: N/A
Policy Issues

Should Staff return to Council to approve a revised and amended storage facility agreement, a consumable water lease agreement, and a water share lease agreement with Aggregate Industries-WCR, Inc. (AI) in order to move forward with developing water storage on the lower South Platte?

Alternative

City Council could direct Staff not to return to Council to approve these agreements. This is not recommended as approval of all three agreements is vital to developing water storage needed for growth to build-out.

Background Information

The City produces effluent at Big Dry Creek and Metro Wastewater Treatment Facilities in higher quantities than its required return flows to the South Platte River. The majority of the excess is produced in the winter months, as historic returns are generally owed in the late summer; and the City’s reclaimed water system draws effluent during the summer irrigation season. The ultimate capacity of the reclaimed water system is limited by the amount of available effluent. With storage on the lower South Platte, the City could capture excess effluent during the winter and store it to pay returns during the summer. This would free up summer effluent allowing an increase in the capacity of the reclaimed water system, as well as exchanges to deliver additional water to Standley Lake.

Alluvium in the vicinity of the lower South Platte happens to be one of the larger aggregate deposits in the region. It is common for aggregate companies to mine properties adjacent to the river and line the created depressions for water storage vessels, which they may then sell to water enterprises. The City entered into an agreement with CAMAS (now Aggregate Industries-WCR, Inc. (AI)) in 2000 for the creation of such a vessel near the town of Wattenberg in Weld County. The facility is to have a capacity of between 4,000 acre-feet (AF) and 7,000 AF, of which 1,200 AF was purchased by South Adams County Water and Sanitation District. The City’s portion of the storage will provide between 1,350 AF and 2,800 AF of firm yield to its water supply.

Due to permitting delays and a slowed aggregate market, the delivery date set forth in the original agreement was unattainable. In order to move forward with the transaction for both parties’ benefit, AI and the City have negotiated a revised and amended agreement outlining a new time frame for delivery of storage, with specific project milestones.

In this revised and amended storage facility agreement, the original purchase price is retained, along with a penalty of 1% price drop for storage per month of delay, but dates have been adjusted so as to forgive delays up to this point. Active mining of the property will begin no later than the end of 2012. AI has agreed to complete 2,800 AF of storage by the end of 2017 and at least 4,000 AF by mid-2020. These dates may be extended in six-month increments if AI demonstrates a lack of market for their products as outlined in the revised agreement. Also, the revised agreement spells out under what circumstances AI may open a gravel operation other than Wattenberg, such that the financial incentive to work elsewhere does not cause a delay at Wattenberg. The City and AI will meet bi-annually during the mining process, and the City will be allowed to review the company’s books. The City will have legal remedies at their disposal should AI fail to meet the terms of this revised Agreement. Regardless of any extensions allowed under the new terms, 2,800 AF of storage must be delivered by the end of 2019 and 4,000 AF by mid-2022, which will still meet the City’s water resource needs. It is possible that storage will be delivered as early as 2014 if the aggregate market rebounds.
Since the original agreement, AI has been leasing water from the City in the forms of consumable effluent and shares in the Brighton Ditch Company since signing the original agreement. The original lease agreements expired with the original storage facility agreement, so lease renewals are considered herein. The effluent lease agreement allows AI to lease up to 520 acre-feet of consumable water per year from the City from 2010 through 2017 at a rate of $200 per acre-foot. Under the original effluent lease agreement, AI did not have to pay for the leased effluent. They will use this water to augment out-of-priority depletions due to exposure of groundwater. AI would also like to lease the City’s 1.038 shares in the Brighton Ditch Company until delivery of storage at Wattenberg and will temporarily take over paying any assessments and fees associated with those shares. Staff has provided for additional flexibility on the City’s part with the shares under the new lease.

Staff recommends bringing the revised and amended storage facility agreement and consumable water lease agreements with AI before Council for approval. This will allow progress on developing lower South Platte storage for the City’s water supply system that is very important for securing and developing long-term water supply. The revenue also assists the City in meeting the goal of a Financially Sustainable City Government by having the proceeds for future Public Works and Utilities projects.

Staff will be in attendance to make a presentation to City Council and answer any questions related to the Wattenberg Gravel Lakes Project and the revised and amended agreements.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Map—Location of Proposed Wattenberg Gravel Lakes
Location of Proposed Wattenberg Gravel Lakes
Re: Aggregate Industries
Tucson South

Sept 10 2020
Inside: 13200 e 160 s Av, Bagutan. Our own real property at 125 w. Bridge St, Bagutan.

Re: Aggregate comments
2. 7am-7pm Mon-Saturday is unacceptable. Saturday 7-1 is acceptable.
3. Irrelevant. Farm style fencing e a trail to nowhere doesn’t address the issue.
5. Not relevant.

The basic issue for myself & other neighbors is that the project is too close to the city of Bagutan. Highway 7 is a gateway to the city, and having a large dirty gravel mine will diminish the appeal of the city. People will go to Thornton for their shopping and other services.

I would be in favor of leaving a buffer strip along Highway with tree/natural habitat. The buffer strip would need to be at least 250 yards wide. If that isn’t doable, I would remain strongly opposed to the gravel operation as proposed by A.I.

Best regards

Paul Greer
303 808 9826
13200 e 160 s Av
Bagutan Co 85602
Dear Mr. Barnes,

Thank you for your correspondence dated December 21, 2020 regarding the above matter and the application for a conditional use permit by AI.

I am an owner of two properties along Highway 7, one being my residence directly south of the east portion of the proposed site and the second in the City of Brighton to the immediate east of Veterans Park.

Whilst I appreciate the donation of the land to the south as a community asset it will be of no real value to the community unless managed by Adams county in some format, otherwise it is simply a field!

Re the proposal on the North of Highway 7 I object to this proposal as presented in the strongest possible terms.

Brighton is the County seat of Adams county and Highway 7 is the western gateway to the City.

The concept of a large mining site less than 1/4 of a mile from the City is preposterous.

No one will relish the idea of driving into Brighton through the dust and dirt caused by the mine and with the prevailing winds from the NW this will cover the wester areas of the City in dust.

Re AI's 5 bullet points:

1. The noise dust and beeping from heavy equipment will remain.
2. The timeline is ridiculous No way will the project finish in that time line assuming all economic factors remain as good as today.
3. The water resource is simply an inaccessible reservoir with no recreational value to the community. The landscape trail proposed is a trail to nowhere!
4. Previously discussed.
5. All well and good but it does not take an expert to know the impact. A hotline does nothing to mitigate the problem.

You may recall the discussions at the Commission meeting in late 2019 re the mine at 120th Av .... a disaster for the neighbourhood.

I would be in however be of the mine being limited to area 1/3 of a mile to the north along the row of cottonwoods that now exist. This would provide a real buffer and allow AI to landscape the whole area.

This would preserve some of the meadow, Preserve some of the gateway to Brighton and eliminate most of my concerns listed above.

I strongly disagree with AI's assertion that the project is compatible with and in harmony with the surrounding area and a benefit to the community.

Best Regards,
Paul W Greaves
Broadview LLC
125 W Bridge St, Suite F
Brighton Co 80601
303 808 9826
To: Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Joseph J. Grieve, Inc at 5390 Tennyson St. Denver, Co 80212 In Adams county supports this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job. The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process. Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site. We appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Sincerely,

Frank Grieve
303.919.9893

Treasurer, Joseph J. Grieve, Inc.
Dear Commissioners:

As an employee of Aggregate Industries for 6 years, I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since I am a Adams County residents, I know first-hand that the aggregate materials from this quarry will help build the infrastructure that I support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. I look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow me to enjoy life on the front range. I urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Cody Griffiths
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

 Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Marc Gutene
Marc Gutene
Please be cautious: This email was sent from outside Adams County

Hi Mr Barnes;  Please vote no - you must stop any gravel pits to be developed/ built anywhere near a town in Adams county including Brighton... it’s not ok to subject the citizens of any town including Brighton to the dust and airborne containment’s that will be airborne from such a entity. I live just west of the area in Heritage Todd Creek  and this would cause many health issues in our 55 & up community.

This was already voted down , no permits given to these companies in 2019. This must not happen!!!
You must take into consideration how detrimental this will be for the health and well being of ALL citizens living close to said location, especially the kids and aged ... do not give this company permission to build Gravel Mining Puts anywhere in Adams county.

Sent from my iPhone
Hi. I hope you are well.

I want to express my opinion about the gravel pits that are being discussed to be approved to move forward near Highway 85 in Brighton.

Vote No.
They will harm the wildlife and human quality of life also. Please vote NO!

Sent from my iPhone

Jan Guyer
Please be cautious: This email was sent from outside Adams County

Dear Greg Barnes,

We are residents of Adams county and are very concerned that Swiss owned Aggregate Industries/LafargeHolcim has reapplied for a Conditional Use Permit for TWO large gravel pits west of the gateway to Downtown Brighton.

As you know, when fully mined they would become CLOSED off augmentation reservoirs for the City of Aurora. We do not need this in our community and are firmly opposed to granting AI this permit.

We want our voices to be heard and counted among those who oppose granting AI this permit that was once already declined.

Thank you for your time and consideration.

Best,
Saira
Mr. Barnes-

I understand comments were typically due already. I have been communicating with Aurora Water, Aggregate Industries and a few other parties and would now like to voice my support for the project as submitted. In 2019 when Aggregate Industries presented a plan that included up to 400 tractor trailers per day and no public access I was very opposed. I believe the new plan utilizing a conveyor system, donation of the south parcel for open space and commitments from AI and Aurora Water to allow passive recreation once the project is complete, I believe is a appropriate use for the land and ultimately will be of benefit to residents of Adams County and Brighton with a recreation feature that allows the public to enjoy this area.

Thanks for you hard work on this lengthy application,

Forrest Hancock
Dear Mr. Barnes,
I am a resident of Todd Creek Riverside. I am writing to express my concern and protest regarding the proposed Tucson South Mining Pit EXG-2020-00001.

First and foremost, there are documented health risks associated with silica dust which will be produced by the proposed mining. Living near a mining pit can create changes to health, changes to lifestyle, the inability to enjoy your own home for decades to come. This is not acceptable and not something that anyone in the area desires. It will drive residents out of the area.

The mining permit indicates it is supposed to be harmonious with the area. There is no logical way that the proposed location will be harmonious. There are many homes nearby. There is a park nearby. The main entrance to the City of Brighton is nearby. There is no way this project can possibly fit this requirement. The community has been developed since the planning for this mining was originally completed twenty years ago.

This project is near a Todd Creek well. The well may be destroyed in the mining. We cannot take such a risk as this mining company has created issues of the very same type in the past.

The old mines to the North owned by Aurora are in poor repair. Lessons have not been learned from that experience. We cannot afford to make those same mistakes in our community.

Finally, there is no benefit to our community. Being a good neighbor is one thing, however this is a detriment to our community. This is not good for the renewal of Brighton or the surrounding residents. The location will be a huge detractor. People are going to move in droves from Brighton and the nearby Todd Creek areas in unincorporated Adams County. This will impact businesses, taxes, and revenue.

I hope you take the concerns of citizens into account and do the right thing.

Respectfully,
Rebecca Harren
11530 E 161st Avenue
Brighton CO 80602
303-522-8006
Dear Mr. Barnes,

I am a resident of Todd Creek Riverside. I am writing to express my concern and protest regarding the proposed Tucson South Mining Pit EXG-2020-00001.

There are documented health risks associated with silica dust which will be produced by the proposed mining. Living near a mining pit can create changes to health, changes to lifestyle, the inability to enjoy your own home for decades to come. This is not acceptable and not something that anyone in the area desires. It will drive residents out of the area.

The mining permit indicates it is supposed to be harmonious with the area. There is no logical way that the proposed location will be harmonious. There are many homes nearby. There is a park nearby. The main entrance to the City of Brighton is nearby. There is no way this project can possibly fit this requirement. The community has been developed since the planning for this mining was originally completed twenty years ago.

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Finally, there is no benefit to our community. Being a good neighbor is one thing, however this is a detriment to our community. This is not good for the renewal of Brighton or the surrounding residents. The location will be a huge detractor. People are going to move in droves from Brighton and the nearby Todd Creek areas in unincorporated Adams County. This will impact businesses, taxes, and revenue.

I hope you take the concerns of citizens into account and do the right thing.

Respectfully,

Ryan Harren
11530 E 161st Avenue
Brighton CO 80602
303-990-7795
Please be cautious: This email was sent from outside Adams County

After reading the negative article written about this proposed gravel project in west Brighton in Next Door, I drive there. The area is ugly barren and appears to be a wasteland.

But, 1. if the proposed reservoir became a water source for west Brighton & NE Thornton that would be good. Our Heritage Todd Creek water arrangement needs to be reworked
  
  2. If The reservoir became a recreation park like cherry creek, chatfield & st Vrain that would be good
  
  3. If the reservoir connected to the nearby Platte River could it help improve ecological life for the River and shoreline?

Maybe you are covering all this in the 1.14.21 meeting. If there are long term improvements included in this gravel project all communications need not be negative and challenged

Thank you for any insights and proposals you can share in your reply

Walt Hawley
# All lives matter
us️
Please be cautious: This email was sent from outside Adams County

It is a travesty that Brighton and Adams County is even considering gravel mining along Highway 7.

First of all there are already enough reservoirs in the community and ugly gravel pits along Highway 85. Do you want to continue to give Brighton and Adams County an ugly reputation and image by poor judgment and unsightly projects? Brighton has already done a good enough job in that regard. It's time to change that.

When we told friends and family we were moving to the Brighton area, they questioned why and were not impressed. That's what outsiders think of Brighton and Adams Co--a cess pool for Denver and now Aurora. After 1/12 years, we were pleasantly surprised with Brighton's efforts to improve and give Brighton a better image and outlook for the future. Now this! It's a step backward and for what--water for Aurora!! YOU HAVE GOT TO BE KIDDING! With the continued prospect for drought and global warming, will there even be enough water for these "reservoirs"? Obviously no one cares about downstream users. More front range blight.

My husband and I frequently walk our dog in Veterans Park. Hawks, Eagles, Herons, and deer are frequent. In he springtime, the nesting birds are abundant. It is also the beginning of the South Platte bikeway. So rather than promote this and build upon it, Brighton and Aggregate Industries choose money. And who wins--Aurora and big money and big industry.

Now there will be dust, noise, wildlife and humans won't want to be in the area. Sad! Sad! Sad!

Mary Anne Hoffman
303-908-855
15341 Heritage Circle
Brighton, CO 80602
Memorandum

To: Jim Hood
CC: 

From: Tom Maul
Date: 2/21/2005
Re: Tucson Pit Mining Impacts to Hood

Jim: the following bullet points outline relevant information regarding previous conditions and discussions related to the Aggregate Industries Tucson Pit:

1. In early 2001 I was appointed Operations Manager over the Tucson Pit.

2. Complaints were received by me from many neighbors of the pit, including: Ken and Gina Sayers, Ron Mallory, Richard Getz, Marilyn Kent, Bob Sakata, and Jim Hood. These complaints were mostly related to the impacts of dewatering operations at the mine: dead trees and well damage.

3. It was my opinion that the impacts sustained by the neighbors were, in fact, caused by the Tucson Pit mine dewatering operations.

4. Although the damage appeared to have taken place prior to AI owning the pit, it was my opinion that we had responsibility as the acquiring party, and therefore I authorized mitigation measures consisting of: replacement water delivery, well replacement, and tree stump removal and disposal, to several individuals included in the group above, including Jim Hood.

5. During that time (2001) AI augmented Jim Hood's irrigation well by direct pumping of water into the well.

6. In early 2002, Jim Hood's well pump failed. Upon inspection, it appeared that the pump had failed due to oversized gravel intrusion into the well column. Further inspection indicated that the gravel structure surrounding the column had been degraded, allowing the inflow of gravel into the well. It seemed plausible to me that the process of directly pumping water into the well could be responsible for this damage.

7. I agreed to repair Jim Hood's well pump and try to mitigate the gravel inflow issue as a short-term solution, and we discussed replacement of the well as a long-term solution. I expressed a commitment to Jim that AI would provide a long-term solution to his water needs. In addition, while the pump was being repaired, Jim was unable to water his field, and the crops sustained damage during that period. I agreed to work with Jim through the year to ascertain the actual impact of that damage to his crops, and to fairly compensate him for said crop loss.
8. Jim and I also discussed a former cottonwood grove on his property which had basically been destroyed. Several dozen trees had been killed, in my opinion due to the mine dewatering operations. I made a commitment to Jim that we would work with him toward mitigating this situation. The discussions considered removal and replacement of the trees, as well as monetary compensation, although no dollar amounts were discussed. These discussions were conceptual in nature, and were intended to indicate my willingness to act responsibly as a good corporate citizen.

9. In January 2003 I was terminated as an employee of Aggregate Industries. At that time, I am not aware that Jim had received any compensation for his 2002 crop damage, his damaged well, nor the dead trees.

10. As Operations Manager for AI, with up to 12 production facilities in my group, it was my job to "manage the business". It was common for me to make decisions in cases like this maintain the status as a responsible operator and ensure sustainability of the operations within their surrounding communities. The decisions I made in this instance were consistent with that objective, and with my handling of similar situations that occurred elsewhere within my operating group.

Please contact me if you have any questions.

Thomas
**DISTRICT COURT, ADAMS COUNTY, COLORADO**  
Address: 1100 JUDICIAL CENTER DRIVE  
BRIGHTON, CO 80601

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<th>Plaintiff: BESSIE HOOD</th>
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<td><strong>v</strong></td>
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<td>Defendant: AGGREGATE INDUSTRIES - WCR, Inc., a Colorado Corporation</td>
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| David W. Pehr  
Attorney for Plaintiff  
8787 Turnpike Drive, Suite 280  
Westminster, CO 80031-4300  
Phone: (303) 427-1516  
Fax: (303) 428-7412  
E-mail: pehr@zaklaw.net  
Atty. Reg. #7223 |
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**COMPLAINT**

COMES NOW Plaintiff, by and through her attorney, David W. Pehr of the Law Firm of Zak, Fox and Pehr, P.C., and, for a complaint against Defendant, states and alleges as follows:

**FIRST CLAIM FOR RELIEF**  
(Negligence)

1. Plaintiff is the owner of certain real properties, hereinafter Plaintiff's property, situate in Adams County, Colorado, and known and numbered as 16707 Tucson Street Brighton, Colorado, 80601 and 12502 E. 168th Ave., Brighton, Colorado, 80601.

2. Plaintiff owns a certain adjudicated irrigation water well and associated water right located on Plaintiff's property.

3. Defendant is a corporation existing under and by virtue of the laws of the State of Colorado.

4. Defendant owns real and personal property located within the State of Colorado.

5. Defendant does business within the State of Colorado.
6. For the reasons aforesaid, Defendant is subject to the laws of the State of Colorado and the District Courts of the State of Colorado have jurisdiction over the Defendant.

7. Defendant operates a gravel mining facility on certain real property located immediately East of Plaintiff’s property, which property is hereinafter denominated Defendant’s property.

8. Defendant owes a duty of due care to Plaintiff and others to so conduct its mining operations as not to damage Plaintiff’s property.

9. Defendant owes a duty of due care to Plaintiff to so conduct its mining operations as not to unreasonably interfere with Plaintiff’s use and enjoyment of her property.

10. Defendant has breached its said duty of care to Plaintiff in that Defendant has so negligently conducted its above described mining operations as to cause Plaintiff’s above described water well to fail and to cease producing water in usable quantities.

11. As a direct and proximate result of Defendants said negligence, Plaintiff has been injured and damaged as follows:
   a. The casing, piping, lining and physical structure of Plaintiff’s water well have been so damaged and injured as to render the same useless and valueless to Plaintiff;
   b. The pump, pump motor, pipes, fittings, hoses and other accessories use by Plaintiff in conjunction with her use of the above well have been so damaged and injured as to render the same useless and valueless to Plaintiff;
   c. Defendant has interfered with Plaintiff’s use of her water right;
   d. Defendant has effectively prevented Plaintiff’s use and enjoyment of her water right;
   e. Plaintiff has been unable to use her property for the agricultural purposes to which it is suited and to which it has traditionally been put as a result of the destruction of Plaintiff’s irrigation well;
   f. Plaintiff has lost the profits she would otherwise have obtained from agricultural pursuits during 2000, 2001, 2002, 2003, 2004 and 2005;
   g. Plaintiff has lost the profits she would otherwise have obtained from the application of her water right to her property during 2000, 2001, 2002, 2003, 2004 and 2005;
   h. Defendant has interfered with Plaintiff’s use and enjoyment of her property;
   i. More than seventy cottonwood trees which use to enhance Plaintiff’s property have died as a result of the de-watering of Plaintiff’s property;
   j. Plaintiff has been otherwise injured and damaged.
12. As a direct and proximate result of Defendant’s aforesaid negligence, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

WHEREFORE Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

SECOND CLAIM FOR RELIEF
(Trespass)

13. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff’s above described property.

14. By its conduct of the mining operations hereinabove described, Defendant set in motion a force which, in the usual course of events, would damage Plaintiff’s above described well and water right.

15. The above acts of Defendant constitute a trespass by Defendant upon the property of Plaintiff.

16. As a direct and proximate result of Defendant’s aforesaid trespass, Plaintiff has been injured and damaged as set forth in paragraph 11, above.

17. As a direct and proximate result of Defendant’s aforesaid trespass, Plaintiff has been injured and damaged in an amount to be determined by the trier of fact.

WHEREFORE Plaintiff prays that this Court enter judgment for Plaintiff and against Defendant for compensatory damages in an amount to be determined by the trier of fact, for her costs and expert witness fees as incurred herein, for interest on the above amounts as provided by law, and for such other and further relief as to this Court may appear meet and just in the premises.

Respectfully submitted,

David W. Pehr - 7223

Plaintiff’s address:
315 S. 20th Ave.
Brighton, Colorado, 80601
Please be cautious: This email was sent from outside Adams County

Please add my objection to the plans set forth by Aggregate Industries for mining west of Brighton on Highway 7. For many reasons such as the scar of useless, water-filled landscape, the increased noise for months on end, the amount of road damage caused by repeated heavy trucks/traffic pattern, the influx of increased traffic of large trucks on Highway 7 and 168th which are already handling more traffic than were logistically meant for. The list goes on. And, the is all to benefit Aurora at the “cost” of our livelihood in Brighton.

Shelley R. Hoover-Sheard, DC, DACBSP
Sent from my iPad
My name is Wesley Hurd. I am a resident of Brighton. And I am opposed to any more strip mining in our area. I would appreciate a new look at this industry. Thank you Wesley S Hurd.
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries for 8 years, my and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and families welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

Jose Ibarra Moreno
Greg Barns

From: Gregory L. Barnes
Sent: Tuesday, February 9, 2021 6:34 PM
To: Greg Barnes
Subject: FW: Tucson gravel pit

I think this for you.

Greg

From: ROGER Iverson <rogerwiverson@comcast.net>
Sent: Tuesday, February 9, 2021 3:58 PM
To: Gregory L. Barnes <GBarnes@adcogov.org>
Subject: Tucson gravel pit

Please be cautious: This email was sent from outside Adams County

Mr Barnes

I received a flyer suggesting all the things wrong with the proposed Tucson gravel operation. I actually see the proposed pit as a positive for Brighton based on the proposal Aggregate Industries put forward. It will add walking paths and vegetation with easy access for Brighton and surrounding residential areas. The area is not attractive now. The resources on the property, (aggregates) will support the growth that is forecast for Adams County. Industry needs to work with the community and it certainly looks like AI has improved their proposal to answer questions that were asked. It can be a win win proposition. If residents are concerned about the project extending beyond eight years it can be put into writing.

Thank you
Roger Iverson
Eagle Shadow resident
Greg Barnes

From: HARRY J <jjtag2@msn.com>
Sent: Monday, February 8, 2021 9:30 AM
To: Greg Barnes
Subject: Gravel Mining

Please be cautious: This email was sent from outside Adams County

As a tax payer in Adams county & Brighton, I am completely against the gravel mining! The dust with the winds we get will be a huge problem. You should consider the property owners around the site. They have been paying property taxes and collecting sales for years. The value of their property will go down!

Sent from my iPad
Please be cautious: This email was sent from outside Adams County

Mr. Greg Barnes,

Please oppose a permit for the proposed gravel pits along 160th by Aggregate Industries. This would be very detrimental to the area and future development and add blight to the entrance to downtown Brighton.

Respectfully,
Frank Jackson
Brighton, CO
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

I have seen a lot of growth in Adams County and hope to see more. Thank you for your time and consideration.

Sincerely,

Mike Janda (Thornton Resident of 50 years)
From: Kristine Jenkin <kristinejenkin@yahoo.com>
Sent: Tuesday, February 2, 2021 9:46 AM
To: Greg Barnes
Subject: Gravel Pit

Please be cautious: This email was sent from outside Adams County

NO TO MORE GRAVEL PITS. Brighton already has allowed so much of this that it truly has ruined the landscape.

We need more wildlife and recreation areas. It is not all about money, except for the gravel companies.

Sent from my iPhone
Subject: Gravel mining pits at Brighton west gateway.

I am opposed to having a gravel pit at this location.

Truck traffic, Dust, Noise, Eye sore.

Please do not approve this.

Thank You

Mark Johnson

11051 E 155th Pl Brighton
Greg Barnes

From: Caroline Johnson <bee.t.shops@gmail.com>
Sent: Friday, January 15, 2021 7:17 AM
To: Jen Rutter; Greg Barnes
Subject: Tucson South Gravel Pit

Please be cautious: This email was sent from outside Adams County

To whom it may concern, Greg Barnes, Community and Economic Development Dept., Adams County Planning Commision, City Council Town of Brighton, CO, etc...

In regards to the Tucson South Gravel Pit proposal Case # EXG2020-00001, Caroline Johnson the LOCAL Owner/Operator of Bee & Thistle Marketshops + Buzz Coffee 43 N Main Street, adamantly oppose the construction of a gravel pit/water reservoir near to or adjacent to the Historic Downtown area of Brighton, CO.

We already have ugly gravel and industrial parks North on Hwy 85 that are a proven eye sore in our cute town. Small business owners and local residents will certainly be affected by this gross misuse of land if we continue to let anyone in to destroy our precious resources. In particular if we agree to this type of land use so close to town our businesses in the Historic downtown area may be forced to shut down their doors when customers don't want to drive up to or through a nasty gravel pit/industrial park, nevermind what it could potentially do to harm the ecosystem of the adjacent South Platte river.

When local businesses have to fold the City of Brighton will not collect sales tax from these local establishments. In fact, I see it costing the City of Brighton when giant land movers and gravel trucks destroy our roads, causing damage and forcing the city's hand to use it's own resources to rebuild. Overall this proposal would be counter intuitive to the quaint town atmosphere that I would hope the City wants to achieve specifically for the Historic Downtown area.

Respectfully,
Caroline Johnson
Bee & Thistle Marketshops
Caroline Johnson, Owner
303.653.5591

Bee & Thistle Marketshops is a fun artisan inspired marketplace where guests will find unique locally made wares and gifts from some of Colorado’s best furniture and hand-made artisans. In addition to furniture our shop features natural body products, handmade decor, goat's milk soap, soy candles, local honey, crocheted items and hands-on workshops. We are located at 43 N Main St. in the heart of Historic Downtown Brighton.
January 6, 2021

RE: Aggregate Industries Permit EXG2020-00001

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Planning & Zoning Commissioners:

Kiewit is a leader in infrastructure construction in the front range. Aggregate Industries has been a long-term partner to our company since we established a local presence. This partnership allows us to buy material locally, drive down costs and keep infrastructure project dollars local.

We support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. This support stems from the knowledge that the aggregate materials from this quarry will help build the critical infrastructure that is the core of our company’s business.

In order to keep cost low and keep construction dollars local, we need access to construction materials that the Tucson South quarry would offer. Quarries such as this offer added benefit to the community beyond the materials produced in the form of water storage, open space and trails for the public to enjoy.

We respectfully ask you to approve the permit sough so we can continue to partner with Aggregate Industries and Adams County.

Sincerely,

[Signature]

Brian Heikes
Senior Project Manager
Kiewit Infrastructure Company
Please be cautious: This email was sent from outside Adams County

I have spoken many times about this gravel pit on HWY 7

I have a small business in Brighton on Main Street. Covid has hard it a lot of small businesses hard this past year. We can not afford to have yet another hit. This does not benefit Brighton and it will deter people from visiting out little town.
We as a community spoke on this and it was voted down.
They are back again stating changes and the song remains the same. Brighton will not benefit from this and we need to vote this down again.

Best Regards
Amy Kindland.
Please be cautious: This email was sent from outside Adams County

Mr. Barnes -

I live in Heritage Todd Creek and am very concerned about the negative impact gravel pits would have on the air quality in this area. Dust from these operations is not controllable. It will spread regardless of the best efforts of the operator. It will severely degrade the quality of life in all the surrounding communities. In addition, gravel pits located at a primary ingress to the city of Bright would be an unappealing eyesore. The truck traffic on the roads will shorten their life, and as we all know, Hiway 7 is in dire need of resurfacing now. It is my opinion that this project should be rejected - again.

Thanks for your time.

Regards,
Gary Krech
Please be cautious: This email was sent from outside Adams County

Hello Adams County Reps,

I am a Brighton resident opposed to the mining pit on Tucson Street. I am concerned with the additional traffic of the workers going to and from the mining out. Highway 7 is already very crowded and not in great condition. The round about son Bridge Street at Highway 85 are very busy when residents are going to work and returning. Additional vehicles of workers going to the mine will only cause more congestion. The mining will cause excessive dust, noise and light pollution.

I ask that you please vote against project.

Thank you!

Kind regards,

Jewel Kusek
16164 Paris Way
Brighton, CO 80602
Greg Barnes

From: Curt Lacey <curt.lacey@yahoo.com>  
Sent: Monday, February 1, 2021 8:11 AM  
To: Greg Barnes  
Subject: Tuscon South EXG2020-00001

Please be cautious: This email was sent from outside Adams County

Greg Barnes

In reference to Tuscon South EXG2020-0001, the Brighton area has plenty of gravel pits along with the dust problem and too many gravel trucks traveling in the area. The only wildlife that will benefit is the waterfowl, the animals that need land will be pushed out like the turkeys and deer. I live in the Platte River Ranch area and it took them almost 20 years to open the gravel pit with a walking path around it.

Make Brighton's West Gateway OPEN SPACE.

Thank you, Curt
To Whom It May Concern:

Ground Engineering Consultants, Inc. (GROUND) has been located at 7393 Dahlia Street in Commerce City, Adams County for 28 years and has approximately 200 employees. We have worked with Aggregate Industries on numerous projects, and in our experience they are a professional and competent materials supplier and construction company.

Recently we have been notified of Aggregate Industries proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. – Gravel Mining Area in Adams County. In addition to sourcing construction materials locally for use in Denver Metro Area construction this would also add water storage and trails for public use.

Aggregate Industries is a reputable enterprise in Colorado and we ask you to approve the permit they seek so we can continue to partner with them in Adams County.

Please contact our office with any questions or concerns regarding the information presented herein.

Sincerely,

GROUND Engineering Consultants, Inc.

James Booze
Dear Adams County Commissioners:

Please accept this letter in support of EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area.

I am a neighboring property owner who received notice of this application. This project is important to the ongoing development of Brighton and Adams County. I am grateful that Aggregate Industries is eliminating all truck traffic relating to conveying the aggregate to their existing facility. This project with conveyor is very close to my property and is a big improvement over their earlier proposal in 2019!

Thanks for your time & consideration.

Lloyd Land
Brighton Industrial Park
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. I have been with the company just little over a year, but my dad for 27 years and counting. Me being an Adams County resident my whole life, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

My time with Aggregate Industries I have learned that Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Cesar Monge

[Signature]
Dear Mr. Barnes,

Am sending you this email in response to your Letter headed 'REQUEST FOR COMMENTS' regarding the above permit application.

Would respectively request this permit be approved.

The Letter states you will include these comments verbatim in the case review. That is perfectly acceptable to me.

I am a long time resident of Brighton and have lived near this aggregate operation at my house on Denver Street for more than ten years. There has never been any trouble for me whatsoever from this operation. The truck drivers are careful and courteous and the operation is very well managed to the point that many local residents are not even aware that it exists. It is a quiet, unobtrusive, and comports well with the other activities adjacent which are primarily light industry and agriculture.

This mining operation supports local jobs and more importantly provides materials required for building businesses, homes, and local infrastructure all along the Colorado Front Range. Much has been said and written by others about the importance of infrastructure, both in terms of maintaining current infrastructure and building new infrastructure. There is no need to reiterate those points here and Adams.
County is well versed on that need as it is part the ongoing County services. It is very likely the County has been a customer buying materials from the applicant.

A healthy construction industry and good infrastructure are both necessary for a healthy economy. The applicant provides materials that are critical to both. Doing so improves the economy of not just Adams County but the entire State of Colorado. The applicant has a long history of responsible business practices, operations, and stewardship. Approving this permit will not change the characteristics of the immediate area as those types of operations already exist there.

Therefore, as there is minimal impact, the applicant has a long history of responsible conduct, and this operation supports the economies of both Adams County and the entire State of Colorado, I respectfully request that this permit be approved.

Sincerely,

John C Lepant
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204  

Dear Planning and Zoning Commissioners:

Our company is writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Our Company (F & M Trucking, LLC 6505 County Road 17 Fort Lupton, CO 80621), Our Company has 17 Tractor Trailer. Putting these trucks to work would help the economy. We support this permit because we do business with the PLATTE VALLEY facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Sincerely,

Michelle Leyva  
F & M Trucking, LLC  
6505 County Road 17  
Fort Lupton, CO 80621  
720-255-3801 Mobile  
720-596-5179 Fax  
Fmtruck2006@outlook.com
September 3, 2020

Adams County Community & Economic Development Department
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO  80601-8218

Attention: Greg Barnes

RE: Comments on Aggregate Industries’
Application for Conditional Use Permit
Case Number EXG2020-00001 - “Tucson South”

Dear Mr. Barnes:

This letter is in response to your August 13th request for comments on the above referenced Conditional Use Permit Application.

Even though Aggregate's current application eliminates a lot of the traffic concerns, includes donation of property south of highway 7, commits to a fixed life (without any extension requests) and supposedly enhances air quality monitoring compared to their application that was denied unanimously by the Commissioners present at the November 2019 meeting, I still do not believe their proposed activity meets the County's Conditional Use Permit Criteria.

The Commissioners are well aware of all of the objections and concerns raised by the community and businesses in 2019 regarding Aggregate not meeting these criteria and I will not reiterate those; however I believe that those concerns are still valid and maybe more so now that almost another year has passed and the area continues to grow – not get smaller. Aggregate seems convinced this is a rural farming area and back in 2004 when the mine was initially approved it probably was. However it is now over 16 years later and it is not a rural farming area any more. I do not believe the residents should have to "pay" for Aggregate's failure to act on this project much sooner.

As to Aurora's water storage, they have the alternative to use the site as they do a site in Weld County and inject river water into the ground, filter it through the sand and gravel and extract the filtered water using wells. Aurora has a several million gallon water storage tank and distribution pipeline immediately adjacent to the west of the proposed mine site. I do not believe those of us that are not citizens of Aurora should have to bear the responsibility of providing the area to store water that does not benefit us. This would leave the surface area of the site available for numerous uses that could definitely enhance the community.

Not meeting the criteria for a Conditional Use Permit ("CUP") combined with Aurora's alternative regarding water storage and Aggregate's alternatives for potential mine sites in less populated areas I recommend that the application once again be denied.
Knowing that some of Aggregate’s changes from their previous application may cause others to be more inclined to be in favor of their current application, I would suggest that certain conditions be required if the current application were to be approved.

**Conveyor System** - Aggregate has committed to not starting mining until the conveyor system is operational however not all easements, approvals and engineering, etc. for the conveyor system are in place and accordingly a final route for the conveyor system has not been proposed. An Aggregate representative stated in the October 29, 2019 Commission meeting that it could take 18 months or more to complete the conveyor system. You could possibly believe they could accomplish this if all of the factors were under their control – but the easements and approvals are not under their control. I would expect there to be considerable opposition if some of the proposed routes ended up being the “final” route.

I believe that Aurora needs to clarify and justify why they cannot grant an easement for the conveyor along the east side of their pit north of 168th Ave. Such a route would appear to be the least objectionable. It was stated that “litigation” was preventing them from granting such an easement. But this sounds like an “easy out” and the fact remains that this whole project benefits Aurora and not Brighton or the neighborhood.

I believe Aggregate is premature in applying for a CUP before having at least the route for the conveyor finalized. If for any reason the CUP is approved there should at least be a condition precedent that sets a time limit for having the conveyor operational.

**Life of mine** – Aggregate stated in the current application that mining and reclamation would be reduced to 8 years from the time the conveyor is installed and that no extensions would be requested. One Commissioner commented on the prior application that the life should not exceed 5 years and an Aggregate representative stated in the October 29, 2019 Commission meeting that it could be completed in as little as 4 years. Five years appears reasonable to me.

The issue though is they do not commit to a start date for what ever the time limit is. Since the start of the life begins with an operational conveyor system such a start date could be drug out for quite some time and this mine could last as long as other Aggregate mines in the County.

**Slurry Wall** – Aggregate says that “Tract K” as designated on their maps will not be mined but will be used as the staging area for material necessary for the slurry wall installation. The slurry wall(s) for this mine will be measured in miles, will require a substantial amount of material to be hauled to the site by trucks and will not be installed in any short time period.
Tract K is west of the area to be mined and encompasses two elevations – one level is relatively close in elevation to the area to be mined and houses Aurora's huge water storage tank and related facilities and does not have a large area for staging anything. This area is accessible by a service road however in order to access the area for the slurry wall they would have to cross the Brighton Ditch and there are no substantial bridges that cross the Brighton Ditch or they would have to use Highway 7 which has already been determined to be unacceptable. They still will have to traverse the total width of the site to get to the east side for installation of that portion of the slurry wall.

The other elevation is substantially higher (a very steep hill), is west of the Brantner Ditch and adjoins my property. There are no roads to access this area accordingly getting material to this area would be very problematic and to access the area for the slurry wall would be equally problematic and would mean crossing the Brantner Ditch (with no existing substantial bridges), traversing a very steep hill and then crossing the Brighton Ditch. Using 168th Avenue, crossing Great Western's oil and gas well site, crossing a farm field and a residential back yard to gain access would be totally unacceptable. Again, this area is even further west of the mine area. In addition this area borders residential backyards of a number of new homes in a substantial residential development.

Materials for the slurry wall will have to be moved by large trucks and without adequate roads and bridges I believe using Tract K as a staging area for the slurry wall is not only totally impractical but also totally unacceptable. Materials for the slurry wall should be staged close to where they are going to be used. Aggregate has well over 100 acres to use for this staging.

The application does not address the truck traffic, routes, etc. necessary to get slurry wall material to the site. Given the length of the slurry wall(s) I would not expect these to be minor issues and they should be addressed in the application.

**South Parcel** – One of Aggregate's responses indicated the State's approval of removal of the South Parcel from the mine permit was expected by August 31st. Did the State approve the removal?

**Seeding Berms, etc.** - Aggregate does not mention irrigating any of the seeded or landscaped area. Given our recent weather patterns I would not expect any landscaping to survive without irrigation.

**Concurrent reclamation** - “Concurrent reclamation” is not adequately defined. Aggregate’s history of concurrent reclamation on the Tuscon North Mine meant leaving significant high walls (with a 3 wire farm fence that had mostly fallen down and a trailer park with a significant number of children close by) for years. Reclamation on
that site was supposedly concurrent. If history is any indication, leaving it to Aggregate's discretion as to when a mining area is “complete” means that a significant portion or none of the site is likely to be reclaimed concurrent with being mined. Accordingly, a limited number of linear yards of pit walls allowed to be disturbed at any given time before being reclaimed should be defined for the whole site.

Yours truly,

B. Michl Lloyd
September 16, 2020

Adams County Community & Economic Development Department  
4430 South Adams County Parkway, 1st Floor, Suite W2000A  
Brighton, CO 80601-8218  

Attention: Greg Barnes  
RE: Comments on Aggregate Industries' Application for Conditional Use Permit  
Case Number EXG2020-00001 - “Tucson South”  
Supplement to September 3, 2020 Letter  

Dear Mr. Barnes:

This letter is a supplement to my letter of September 3, 2020 on the above referenced Conditional Use Permit Application. Following are two items I wanted to comment on but failed to include in that letter.

**Donation of property south of Highway 7** – Even though Aggregate has indicated they will donate land south of Highway 7, I am not convinced that this will benefit either Brighton or the County. There is presently a nice park east of this land and adjacent to the river. The land to be donated is west of and not adjacent to the river (residential properties are to the east and west of this land) and this land cannot be connected to the existing park. Given that it is “raw” land considerable cost could need to be incurred to bring it to a desirable state, otherwise it may be nothing more than a maintenance headache for whoever receives it or worse an eyesore. Appropriate entities in the County and Brighton should provide input as to whether they would even want this property before any positive weight is given to the proposed donation being an asset to be considered in the decision of issuing a Conditional Use Permit.

**Slurry Walls** – Slurry walls are typical for these water impoundments. They typically are a barrier which extends just below the ground surface down to bedrock which is intended to prevent water from entering or escaping from the impoundment. Ground water that is flowing through an area where a slurry wall is installed is then forced to seek alternative routes and typically rises closer to ground surface. Ground water in this general area is already high (relatively close to ground surface).

I am not a hydrologist but, given the number of existing impoundments in the area, adding slurry walls to the proposed mine site and installing the conveyor system under 168th Avenue (with slurry type wall that will be required) will result almost a solid barrier to ground water movement to the river which would extend from approximately Highway 7 north to approximatelv Weld County Road 6 almost certainly causing numerous issues (beyond those that already exist) with flow of ground water which
otherwise now goes into the river.

The reason I said “beyond those that already exist” is that numerous neighbors have had ground water issues develop. Such ground water issues are not the result of acts of nature – they are a result of changes caused by man made structures altering ground water flows. One neighbor had to spend approximately $40,000 replacing their septic system because of rising ground water, another neighbor is also facing this issue and more than one neighbor has had basement or crawl space flooding. Mitigating the damage is not inexpensive and is coming out of residents pockets. To receive compensation from those causing the problem would involve tremendously expensive litigation and such a burden should not be placed on residents many of which have lived here longer than the impoundments have been here.

County representatives and the County Commissioners need to be certain that ground water issues and potential damage has been adequately addressed and that Aggregate and/or Aurora are accepting the liability for damages.

Yours truly,

B. Michl Lloyd
October 12, 2020

Adams County Community & Economic Development Department
4430 South Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8218

Attention: Greg Barnes

RE: Comments on Aggregate Industries' Application for Conditional Use Permit
Case Number EXG2020-00001 - “Tucson South”

Dear Mr. Barnes:

This letter is a supplement to my previous letters of September 3 and September 16, 2020 on the above referenced Conditional Use Permit Application. Following are two items I wanted to comment on.

Aggregate's Response to Certain Prior Comments - I still do not agree with Aggregate's conclusion that this project meets the criteria for a Conditional Use Permit and I firmly do not believe the area residents should have to bear the unfair burden for:

- Aggregate's failure to act on this mine for over 16 years and
- A project that in the short term has no net benefit for Brighton and ultimately is strictly for the benefit of Aurora – not Brighton.

I am sending a separate letter addressing a very concerning issue I recently learned about concerning Aurora's utilization of water storage facilities.

Comments Not yet Responded to - I sent a September 16 supplement to my original comment letter that Aggregate has not yet responded to. This supplement may not have been received in time for Aggregate's first round of responses. This supplement raised two issues:

- Whether Aggregate's proposed donation of property was at all meaningful and
- **The potentially devastating result of new slurry walls negatively impacting the flow of ground water into the Platte River between Highway 7 and WCR 6.**

Yours truly,

B. Michl Lloyd
October 12, 2020

Adams County Community & Economic Development Department - Attention: Greg Barnes
4430 South Adams County Parkway, 1st Floor, Suite W2000A, Brighton, CO 80601-8218

RE: Comments on Aggregate Industries' Application for Conditional Use Permit
Case Number EXG2020-00001 - “Tucson South”

Dear Mr. Barnes:

I was recently informed of a condition regarding Aurora’s use of water storage facilities that is a most concerning issue in connection with Aggregate’s above application.

In my immediate Brighton area Aurora Water presently owns 3 substantial and adjacent reservoirs (1 in Adams County adjacent to the proposed mine and 2 across 168th Avenue in Weld County and they may own others that I am not aware of). Two of the three reservoirs are leaking and partially filled with ground water (not water supplied by Aurora). The third reservoir appears to be dry. I think the general public thinks that these reservoirs will soon be filled with water and although not great, will be able to be dealt with.

But alas – NOT! I was told that, when asked, a senior official of Aurora Water informed a friend that it would be at least 10 to 15 years before any of these reservoirs would be used for water storage. It is unbelievable that they would requesting another vast hole in the ground in essence adjacent to 3 that they already own that will sit empty for years!!!!! If Aggregate’s mine is granted a conditional use permit it will simply add to the hundreds of acres of vast holes in the ground in this area just outside of Brighton. I have not heard of any maintenance requirements once the pits are dug so it is hard to even imagine what type of eyesores, health hazards, weeds and numerous other types of hazards and negatives this situation will create for years to come.

I acknowledge that Aggregate is not responsible for Aurora's water storage use; however it is impossible to separate Aurora and Aggregate's interests in this project. As I have previously stated, Aggregate can sell the land to Aurora and Aurora can use it for unobtrusive water filtration.

I do not believe the citizens of the area are in any way responsible for Aggregate's profitability or their failure to act sooner. Also, the area in question is not part of Aurora nor is it in close proximity to Aurora. I realize part of Aurora is in Adams County, however I do not believe that Aurora has the right to impose on citizens outside of their jurisdiction and I do not believe those of us that are not citizens of Aurora should have to bear the responsibility and suffer the consequences of providing the area to store water that does not benefit us.

I wrote this as a separate letter because it is directed to an issue with Aurora and not necessarily Aggregate. Please share this letter with each of the County Commissioners.

Yours truly,

B. Michl Lloyd
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

29 years
Resident
Please be cautious: This email was sent from outside Adams County

To be clear, I don't have a problem with gravel.mining or industry in general. We need the products, we need the jobs. As long as they keep the spillage off the roadway I don't mind it. It should include the latest mitigation for removing rocks from truck tires, windshields aren't cheap.

James Mapes
Adams County (uninc)
80603

Sent from Samsung Galaxy smartphone.
M&R CONCRETE, INC.

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

Our company, M&R CONCRETE, INC, located in Adams County, is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry will help build the critical infrastructure that is the centerpiece of our company’s business.

In order to complete the construction projects we have here in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. We look forward to having the opportunity to source the materials locally. It’s an added advantage to the community that there will be a trail installed and water storage created.

Aggregate Industries is a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Sincerely,

Jesse Marquez,
President
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

25 years resident
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

[Name]
[Resident of Adams]
Wayne Medlin prefers the parcel south of Highway 7 stay with the Adams County Parks system, rather than the City of Brighton’s system. He lives adjacent to the property.

wayne.medlin@hotmail.com / 303-819-7884

Beginning July 27, 2020, my work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm
Dear Planning and Zoning Commissioners:

I am writing to request that the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. We firmly support this permit because our company does business with the Platte valley facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job. We operate 3 trucks daily out of this site and is vital to our operation.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process. We are locally from this area and see no reasons as to why it shouldn't be approved.

Having the construction materials available close to developments helps me to hold down my trucking expenses associated with hauling and delivering it to the job sites.

I appreciate you considering Aggregate Industries’ permit and would also appreciate you approving their permit.

Thank you,

Jean Mendoza
January 7, 2021

Board of County Commissioners
Adams County
4430 S. Adams County Parkway, Suite CS000A
Brighton, CO 80601

Subject: Aggregate Industries Tucson South EXG2020-00001

Dear Board of County Commissioners,

Mann Lakes, LLC owns property at 11910 Brighton Road in Adams County and has been a business partner with Aggregate Industries for many years. Aggregate Industries is a reputable material supplier in the Denver market that provides quality materials in a safe, sustainable environment.

Mann Lakes, LLC supports Aggregate Industries' proposed mining permit EXG2020-0001 Tucson South Quarry to continue to provide quality aggregate materials for projects benefits Adams County and the Denver Metro Area.

Mann Lakes, LLC supports approval from the Board of County Commissioners for this permit. If you require any further information, please contact me at 303-472-9472 or via email xmeritt@ceiconstructors.com

Regards,

Xernie Meritt
Manager
Mann Lakes, LLC
January 11, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

On behalf of the Colorado Contractors Association’s 300-plus members, we are writing to support the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. The Colorado Contractors Association (CCA) is the leading professional association for infrastructure construction professionals across the state, bringing infrastructure to life through the power of advocacy, education and training and partnerships.

Founded in 1933, CCA has evolved into Colorado’s leading unifying voice and champion for Colorado infrastructure, serving as an essential partner to more than member firms and owner agencies as well as an influential catalyst and thought leader in securing infrastructure investments, advancing innovative practices, growing the industry, protecting industry interests, and advancing the future of quality infrastructure in our state.

Today, Colorado’s infrastructure matters more than ever before because as Colorado continues to grow, the need for dependable, reliable, and efficient infrastructure systems, networks and connections has never been greater. From the water we drink and the roads we drive, to the freedoms we enjoy as we explore this beautiful state by air, land, or rail – nothing happens without infrastructure. Our members are a diverse, dedicated, and talented group who work together to enhance Colorado lives, industries and economies through the power of infrastructure.

Aggregate Industries is a member of CCA and we appreciate the company’s engagement and involvement in our organization and in the state of Colorado’s infrastructure development.

The permit for Aggregate Industries at Tucson South is important to the company and all of our members so that we have a reliable source of materials for the projects we are supporting.

Colorado Contractors Association members look forward to hearing that the Adams County Board of County Commissioners has approved the Aggregate Industries’ Tucson South mining permit.

Sincerely,

Tony Milo
Executive Director
Colorado Contractors Association
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. I have been with the company just little over a year, but my dad for 27 years and counting. Me being an Adams County resident my whole life, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

My time with Aggregate Industries I have learned that Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Cesar Monge

[Signature]
Dear Commissioners:

As an employee of Aggregate Industries for over 27 years, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Being an Adams County resident for over 35 years, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. With Aggregate Industries being a good company, over a year ago my son decided to join Aggregate Industries team here in Adam County. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,
Ricardo Monge

Ricardo Monge
Hello,

I’m writing to express my concerns about the proposed mining site at Tucson South Gravel Pit (case number EXG2020-00001).

I am opposed to the proposed location for the following reasons:

1. The area surrounding the proposed site is NOT compatible with a gravel pit. The entrance to the city of Brighton should be welcoming and have businesses that can bring dollars to the city of Brighton and Adams County.

2. I am very concerned about the production and distribution of silica dust, which is a hazard. The winds in this area are very strong and come often - I do not believe the dust generation will be able to be controlled.

3. The increased traffic and trucks will be a major danger and inconvenience while trying to get into Brighton. That entrance to Brighton is already often backed up. This added traffic issue will likely deter folks such as myself from choosing to go spend our money in Brighton. We currently live in between Thornton and Brighton. I have always chosen to drive to Brighton because I prefer the feel of Brighton over Thornton and I want to support Brighton. Making it harder to get into Brighton may drive folks like myself away from spending our time/money in Brighton.

4. The proposed location is a prime location and could be something great! Anything from more businesses to public spaces. The end result of these mining pits will not be useable land that the public can enjoy/use.

5. How is anything benefiting Adams Co. / Brighton if everything is for Aurora and going into Weld County? Again - a prime location such as this should contain something that will directly benefit the surrounding areas in a major way - not just a statement that "products will come back to Adams County".

6. The duration is not acceptable. The proposed eight years is too long, and I do not believe it will be done within that timeframe based on the same promise to surrounding areas being made and then broken again and again. This site has too great of an impact to the surrounding area to be on-going for 8-20 years.

7. Being in unincorporated Adams County between Thornton and Brighton, we already have long response times for any support we need (fire, police, etc.). Should any
support for our emergencies be coming from that direction, there will be even greater risk/chance of longer delays with the increased truck traffic.

Overall, I want to voice my great concern and disapproval of this proposed mining gravel pit. Please consider the voices of so many of us who are greatly concerned about this when casting your vote!

Thank you for your time and consideration,
Michelle
Hi Mr. Barnes,

This email is in reply to the letter dated 8/13/2020, Request for Comments.

Please do not approve the conditional use permit to allow extraction use for Aggregate Industries, EXG2020-00001. There is too much drilling, fracking, excavation, water pipeline installation (RCU2020-00004) contained within a very small area. How much more are all the people that live in the immediate neighborhoods going to be subjected to?

Adams County was once beautiful with open space and farm land. Not anymore, corporations such as Aggregate Industries continue to suck all they can out of the earth with promises of air quality monitoring, donation of land for “open space” and a “dust complaint hotline” then move on to the next site to subject more people to their pollution. A hotline to complain about dust says it all!!! Currently, we can’t open our windows due to the frack site right behind our house, if approved the Aggregate extraction and conveyor belt pollution will be even worse; in addition to the dust there will be noise pollution! Who regulates that? Who is going to respond to complaints? Aggregate Industries? If so, that’s an absolute JOKE!! What’s worse is the joke will be on all the neighboring families who live in close proximity to the extraction site.

It should be a requirement for the applicant, Chance Allen and his family, to move into a house next door to the Tucson South extraction site in order to get the permit approved. That way he could experience first hand all of the false promises Aggregate Industries has included in their application.

Please include my comments verbatim.

Furthermore, please forward the staff report and notice of public hearing dates upon completion, via email or USPS. If unable to send, I’ll come pick them up.

Thank you,

Christy Montoya
I'm writing to express my concerns about the proposed mining site at Tucson South Gravel Pit (case number EXG2020-00001).

I am opposed to the proposed location for the following reasons:

1. I am concerned about the production and distribution of silica dust, which is significant health hazard. The prevailing winds in the Brighton area would make the containment of this dust almost impossible, causing some level of risk to the residents of the area.

2. There is not sufficient roadway infrastructure to support the increase in traffic and large trucks entering and leaving the area. This would make it more difficult for local residents to commute to Brighton business to accommodate the need for groceries and entertainment. This would have a negative impact on Brighton revenue and traffic accidents.

3. The proposed location is more suited to expand local business footprint and/or public recreation areas. Once done with mining activities, the gravel pits would need to have environmental mitigation and work to leverage for other uses, creating a hurdle to repurpose the location for future business/public use.

4. There does not seem to be a direct business or financial value to allowing the mining operation in this area. If there are negative impacts to the environment, residents and businesses, it would stand to reason that Brighton or Adams county should at least have some level of financial reward, but in this case, there does not seem to be.

5. The duration is not acceptable. The proposed eight years is too long, and I do not believe it will be done within that timeframe based on the same promise to surrounding areas being made and then broken again and again. This site has too great of an impact to the surrounding area to be on-going for 8-20 years. In addition, I can see this type of mining with known “cancer causing” silica dust resulting in potential law suits due to long-term side affects that are currently unforeseen.

6. Being in unincorporated Adams County between Thornton and Brighton, we already have long response times for any support we need (fire, police, etc.). Should any support for our emergencies be coming from that direction, there will be even greater risk/chance of longer delays with the increased truck traffic.
7. The area surrounding the proposed site is NOT compatible with a gravel pit. This area is the entrance to the city of Brighton, which would detract from the city’s aesthetics, thus detracting from business traffic and revenue.

Overall, I want to voice my great concern and disapproval of this proposed mining gravel pit. Please consider the voices of so many of us who are greatly concerned about this when casting your vote!

Thank you for your time and consideration,

Mike Moore
FYI - I had a phone conversation with Wayne Mueller (wmuhler@yahoo.com) on the morning of August 20, 2020.

- Has concerns about reclamation and end use.
- Wants assurance that end product will actually be a water reservoir.
- Believes the current site is not being controlled for weeds. (See Page 20 of application)
- Believes a high water table in the area may present flooding issues for conveyor location.
- Has concerns that the mining process is not wet mining, like what is being claimed. Suggests that we evaluate if mining practices are appropriate. Dredging operations may be more expensive but will create less off-site impacts.
- Has concerns about the duration being 8 years from the conveyor being operational.
- Additional concerns that the operator does not have a great track record of compliance.

**Greg Barnes**
Planner III, Community and Economic Development Dept.
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216
720.523.6853 gjbarnes@adcogov.org
adcogov.org

Beginning July 27, 2020, my work schedule is:
Monday – Alternating weeks of 7 am – 3:30 pm and off
Tuesday – Friday – 7 am – 4:30 pm
I support property rights and the Gravel Mining along Brighton's West Gateway.

--
Michael Naeger
14746 Ulster Loop
Thornton, CO 80602
Dear Mr. Barnes

I write this email to convey our objection and opposition to granting the Conditional Use Permit to Aggregate Industries for the Tucson Site in Brighton CO.

This proposed Mining Operation is not compatible with the surrounding area. With it being in an Environmentally Sensitive area along the Platte River, it is not in the best interest of the environment nor the local residents or the City of Brighton. I have been involved in the aggregate industry during my career and have the following concerns that in my opinion have not been addressed and or once the project is in operation will not be enforced.

Major concerns:

1. Dust is a major problem with all Mining Operations. Since this operation is proposed to be mined in the dry, it will produce large clouds of dust on a daily basis. The wind in the Brighton area can be consistent and at high velocity and will raise large clouds of dust on an open dry pit even when mining operations are not operating. This will occur for 10 years!!! The erosion control mitigations I read will not prevent this.

2. Noise pollution is also a major concern. Heavy equipment along with the proposed Conveyor system will produce a steady noise level that will degrade the enjoyment of our surrounding community. The conveyor system is of particular concern as after they have run for several months/years they will get noisier and noisier over time as the system ages. This dull noise will last for 10 Years!!! These operations should not be allowed to Operate from 7 am to 7 pm. They should only be allowed during normal work hours, say 8 am to 5 pm Mon thru Friday.

3. The installation of a Slurry Wall will permanently effect the natural flow of groundwater in this area. Has this aspect (which is permanent) been truly studied for its long term effects? This will not become a “natural waterway” as purported, but rather a “holding tank” for water to be pumped in and out of.

4. Route 7 is a “Gateway into the City of Brighton” and what residents, visitors and prospective residents will see is a “Mining Pit” for 10 years, so let’s not gloss over what this will look like. Has anyone truly assessed how this visual will set the city back in terms of good development and the natural beauty of the Platte River Waterway that Brighton residents and the surrounding communities have tried so hard to preserve?

5. I did not read how Aggregate Industries will improve/widen exiting/adjacent roadways to accommodate the added traffic of employees/service vehicles/delivery vehicles/maintenance vehicles and heavy equipment?

6. The proximity of this site to wetlands and environmentally sensitive area will affect the local wildlife habitat/water quality/noise pollution/air pollution for at least the next 10 years. This is why we want
this natural resource to remain as is or at least to be developed in the most responsible way possible, and a Mining Pit is not one of those.

7. The Comp-Plan for this area is to preserve as Agriculture and or to preserve in an environmentally and socially acceptable way. A Mining pit does not meet that criteria and is the opposite of that, especially in close proximity to the Platte River Basin.

8. I’m not sure why City of Brighton did not oppose this Project as it brings no value to the community. The spirit of Social/Environmental Justice of any major project in a community is to balance the impacts both environmentally/visually and noise level impacts to its residents vs the collective gain of that community. I do not see any gain for our community out of this project with the exception of possibly some additional employment. The negative impacts of this project far outweigh the benefits to our community.

Please reconsider the Issuance of this Conditional Permit, or at least request that this be further studied for the concerns that have been raised.

Regards

Paul Newman, DBIA
M 303.961.9908
11032 E 162nd Pl
Brighton, CO 80602
Pnewman495@aol.com
Date: January 7, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Re: Support of the Aggregate Mining Industry in the State of Colorado

Dear Adams County Planning & Zoning Commission,

I am writing you today on behalf of the Colorado Stone, Sand & Gravel Association (CSSGA) regarding the Tucson South proposed permit with Aggregate Industries, Inc. CSSGA is a Colorado based not for profit organization representing the interests of the entire Colorado aggregate mining industry. Founded in 1956, CSSGA is a member driven organization that works with state and local governments, regulatory agencies, and the Colorado community to continue improving the aggregate mining industry. CSSGA supports the opening and/or expansion of mine sites to meet the demands for material supply in our state.

Aggregate materials are the backbone of Colorado’s infrastructure and economy. These materials are used in most building and road construction projects which are vital to the state’s infrastructure. The consumption rate for construction aggregates is approximately 11 tons per capita per year in the state of Colorado. While citizens may not purchase aggregate directly, it is consumed in the construction of projects such as homes, schools, churches, bike lanes, mass transit, sidewalks, wind and solar farms, and roadway expansion and repairs. The roadway expansion and repairs directly affect all citizens allowing for ease of travel and shipments of goods and services to places like stores and restaurants in our communities. The local mining of construction aggregates benefits us all.

The aggregate mining sector is an important contributor to the Colorado economy. Colorado aggregate producers directly employ approximately 2,000 individuals throughout the state, with indirect employment impacting over 3,735 individuals. The jobs created by the aggregate mining industry are well above the national average salary of $61,589 reaching $75,129. With these factors in mind, the industry contributes $6,385 on average in direct tax revenue per employee on an annual basis and contributes approximately $10 million to the Colorado economy annually. Supporting mining expansion supports the local and state economy.

The aggregate mining industry is highly regulated to protect the health, safety, and wellbeing of both employees and citizens. From the start of the permitting process through reclamation, operators are required to abide by regulations set forth by the Environmental Protection Agency, Colorado Department of Health and Environment, Mine Safety and Health Administration, Colorado Division of Reclamation Mining and Safety, Colorado Department of Water Resources, and numerous other agencies. These regulations keep surrounding citizens and operational staff safe while providing industry oversight.

For these reasons, CSSGA supports projects like the Tucson South site as a logical approach that will help meet the growing demands of our industry in a responsible manner. If you have any questions, please feel free to contact CSSGA at 303.290.0303 or cssga.org.

Sincerely,

[Signature]

Todd R. Ohlheiser
Executive Director, Colorado Stone, Sand & Gravel Association
January 8, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Adams County Planning & Zoning Commission,

On behalf of the Colorado Ready Mixed Concrete Association (CRMCA), I am writing to indicate the associations support for the proposed Tucson South site permit, by Aggregate Industries Inc. Our organization consists of 150 members, and aggregate materials such as those proposed for mining under this permit are vital to our industry and the region’s growth that we help build.

Without the type of aggregate resources that Aggregate Industries proposes be extracted from Tucson South, the cost of building materials for the region’s growth would likely be more expensive. Having a local source of aggregates is important so that costs for hauling such materials remain at an affordable level.

These mining and material supply sites are highly regulated to protect the health, safety, and wellbeing of both employees and citizens. From the start of the permitting process through reclamation, operators are required to abide by regulations set forth by the Environmental Protection Agency, Colorado Department of Health and Environment, Mine Safety and Health Administration, Colorado Division of Reclamation Mining and Safety, Colorado Department of Water Resources, and numerous other agencies. These regulations keep surrounding citizens and operational staff safe while providing industry oversight.

For the reasons listed, CRMCA strongly supports projects like the Tucson South site as a logical approach that will help meet the growing demands of our industry.

Sincerely,

Todd R. Ohlheiser
Executive Director
Colorado Ready Mixed Concrete Association
WE DO NOT WANT A MINING PIT OPERATING FROM 7 am-7pm 6 DAYS A WEEK! THIS WILL DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA. NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE. LOOK AT THE RECORD OF THIS COMPANY AND THEIR RECORD OF COMPLETING PROJECTS ON TIME. EIGHT YEARS WILL TURN INTO 20 YEARS!

We are not a town. Todd Creek is more like a village. We moved out here to get away from the city and enjoy our space. There are homes along Riverdale and Hwy 7 that would be drastically affected by this. Also, do we really want a gravel pit to be the welcome view into Brighton?

My husband and I retired and built here. One of the most wonderful things about living here is the peace and quiet. When city dwellers come to visit you can just see some invisible power bathe them with peacefulness. With so much development everywhere now, our area is like a precious jewel that should not be tarnished.

The proposed mine would be one-half mile from our home. It is obvious to me that the entire fabric of our lives here would be ripped to shreds. If we could bring ourselves to sell our Dream Home, the property value would be ridiculous.

I have been reading the comments from local citizens who oppose the Gravel Pit Mining Proposal on Hwy 7 the CO2 emissions from construction trucks, the air pollution, the water pollution and danger to our Wild and Scenic designated Area, and the obliteration of our wildlife habitat.

And regarding the danger of fire, our area gets drier every year and I live every day in summer and early fall with a nagging fear of forest fire. We often spend a few days breathing smoke from fires somewhere in the mountains. Even now after a dry winter it is dry enough to be a high fire danger. Mining operations and large trucks can spark fires easily.

Thanks for your consideration,
Mary Jane Olsavsky
Please be cautious: This email was sent from outside Adams County

Greg - When will the agenda for the 2/11 planning comm meeting be posted

MJO
VOTE NO: THIS proposal is not compatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
(An industrial activity/gravel mine doesn't belong sandwiched between the downtown district and the residential homes to the west).

WE DO NOT WANT A MINING PIT OPERATING FROM 7 am-7pm 6 DAYS A WEEK! THIS WILL DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA, noise, dust, health risk and blight.

1) NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE.
2) The 10 - 50 mph winds we have in this area will move the silica and dust!!!
3) LOOK AT THE RECORD OF THIS COMPANY AND THEIR RECORD OF COMPLETING PROJECTS ON TIME in WESTMINSTER, EIGHT YEARS THERE HAS TURN INTO 20 YEARS! It also had an 8 year project timeline & uses conveyors.
Please be cautious: This email was sent from outside Adams County

**VOTE NO:** THIS proposal is **not compatible** with the surrounding area, **not harmonious** with the character of the neighborhood, **detrimental** to the immediate area, **detrimental** to the future development of the area, and **detrimental** to the health, safety, or welfare of the inhabitants of the area and the County.

(An industrial activity/gravel mine doesn't belong sandwiched between the downtown district and the residential homes to the west).

WE DO NOT WANT A MINING PIT OPERATING FROM 7 am-7pm 6 DAYS A WEEK! THIS WILL DISRUPT OUR NEIGHBORHOOD WHICH IS OVERLOOKING THE PIT AREA, noise, dust, health risk and blight.

1) **NO FENCE ALONG HIGHWAY 7 WILL PREVENT THE NOISE FROM REACHING US IN TODD CREEK RIVERSIDE.**
2) The 10 - 50 mph winds we have in this area will move the silica and dust!!!
3) **LOOK AT THE RECORD OF THIS COMPANY AND THEIR RECORD OF COMPLETING PROJECTS ON TIME in WESTMINSTER, EIGHT YEARS THERE HAS TURN INTO 20 YEARS!** It also had an 8 year project timeline & uses conveyors.
Dear Mr. Barnes,

As a citizen of Brighton, I would like to register my disapproval of the creation of a gravel pit/mine anywhere near our city. The noise, pollution, and traffic may have been manageable 10 years ago, but with our higher population density, it is not, in my opinion, a worthwhile endeavor.

Although I don't have a geographic/geologic map available, I find it hard to believe that there are not more suitable locations for this. Perhaps 20 miles out of town east/north? I have a family member with an immune disorder that involves the lungs; this would be a real and present danger to his health.

Please consider the human factor, not the money factor, when making your decision.

Best regards,

Kay Olsen
303-909-9525
Greg Barnes

From: Manuel Ornelas <manuelmds@comcast.net>
Sent: Monday, September 7, 2020 9:56 PM
To: Greg Barnes
Subject: BRIDGE A. LTD AND BRIDGE B. LTD COMMENTS
Attachments: scan0003.pdf

Please be cautious: This email was sent from outside Adams County
Case Name: Tucson South
Case Number: EXG2020-00001

Mr. Barnes,

This is on behalf Of: BRIDGE A. LTD 75 WEST BRIDGE ST. BRIGHTON CO and BRIDGE B. LTD 115 WEST BRIDGE B. LTD

1- What are the proposed distances of excavations West and East of the River and how deep?
2- What are the proposed distances of excavation South and North of Highway 7 and how deep?
3- What is the proposed distance of installation of the conveyor system West and East of River?

Please let us know

Thanks,

Manuel Ornelas
manuelmds@comcast.net
Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Tucson South. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed reservoir to provide water for the City of Aurora.

Aggregate Industries is a great corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Have a wonderful weekend,

Maureen Owens
Scale Operator
Aggregate Industries US
West Central Region
Morrison Quarry
18131 Colorado Hwy 8
Morrison, CO 80465
Scalehouse: 303-697-5770 Option 2
Fax: 303-697-4676
Dispatch: 303-987-1234
maureen.owens@lafargeholcim.com
www.lafargeholcim.us

A member of LafargeHolcim
Pacheco Construction Products, Inc.
4801 E. 60th Ave.
Commerce City, CO 80022

January 7, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

My Company, Pacheco Construction Products is located off 60th and Vasquez in Commerce City. We produce precast concrete materials for the transportation market. We have been purchasing our concrete exclusively from Aggregate Industries since our inception in 2008.
Pacheco Construction Products is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry are a vital part of the concrete we bring into our plant every day.

In order to provide Precast Concrete materials to the construction projects we have here in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. We look forward to having the opportunity to source the materials locally. It’s our understanding that the quarry would provide trails for families to use and would create much needed water storage. Both significant assets to the community we work in and own property in.

My Company values the relationship we have built with Aggregate Industries. They are a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Respectfully,

David Pacheco
David Pacheco
President
Pacheco Construction Products, Inc.
January 8, 2021

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

Our company, IHC Scott, Inc. (formerly Scott Contracting, Inc.), located at 9200 E. Mineral Ave., #400, Centennial, Colorado 80112, is a long-term partner of Aggregate Industries in Colorado and we support their permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the proposed pit permit because we know that the aggregate materials from this location will be critical to building the infrastructure that is a centerpiece of our company’s business, particularly in the Front Range.

In order to complete our construction projects in the Denver Metro area, we need access to construction materials such as those the Tucson South quarry would provide. We look forward to the addition of another local source for these materials, which will only strengthen Colorado’s construction industry, and further benefit the community with the addition of a trail and new water storage.

Aggregate Industries is a reputable enterprise in Colorado, and we are confident they will successfully operate the proposed pit well above required standards, and this site will only add value to the community.

Sincerely,

Sincerely,  
IHC SCOTT, INC.

Cody Patterson  
Director of Pre-Construction
January 6, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

Our company, Pavestone LLC, located at 9401 E. 96th Avenue, Henderson, CO is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry will help build the critical infrastructure that is the centerpiece of our company’s business.

In order to continue the manufacturing of concrete products for customers in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. Without it, we are forced to travel further north along US 85, increasing both our freight costs but also the impact our tractor trailers have on our roads and highways. We look forward to having the opportunity to source the materials locally.

Aggregate Industries is a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Sincerely,

Michael Midyett
The Quikrete Companies
VP-Sales/Ops Mountain West HMG
Adams County Commissioners and Planners;

I have a special favor to ask, Please, once again vote NO on the Gravel Mining request by Aggregate Industries/LafargeHolcim, located on Highway 7 immediately adjacent to the West of what we Brightonians consider the Gateway to our city.

We are proud, being the County Seat of Adams County, but emphatically object to a long-term project that doesn’t in anyway benefit our Community, Citizens or Businesses.

I can’t even imagine the traffic nightmares that would be created, since we have grown to more than 42,000 in population. The conditional use, as I understand it, is NOT compatible with the surrounding area, and NOT harmonious with the character of the neighborhood.

It would be DETRIMENTAL - to the immediate area; to the future development of the area; AND to the health, safety, and welfare of the inhabitants of this area in YOUR County!

Aurora needs to look east of their city instead of creating a nightmare project affecting us, since only a small portion of it’s city is in Adams.

Thank You for your learned thoughtfulness.

Respectfully, Jan Pawlowski, Former Brighton Mayor and Adams County Commissioner
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

[Handwritten note: "Ours, Adams Resident"]
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an Aggregate Industries Plant Manager here in Brighton, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Mark Ramos
13491 Birch way
Thornton CO. 80241
Adams County resident for 53 years
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

Mario Rodriguez  
30 years Resident of Adams County
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

[Signature]

[Handwritten: Wise Rodriguez]

I have been a resident of Adams County for five years.
Quick Haul Trucking, LLC
PO. Box 655
Hudson, CO 80642

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

Our company Quick Haul Trucking is writing to request that the Adams County Board of County Commissioners approve the proposed permit EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. We firmly support this permit because our family company does business with the Platte Valley facility currently and aggregate materials conveyed from this quarry will help keep our employees on the job. We operate 10 trucks daily out of this site and is vital to our operation. We are also local to this area and completely support this permit.

The Tucson South quarry will be an important location for local, economical construction materials. We understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process.

Having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,

[Signature]

Yessenia Salinas
Please be cautious: This email was sent from outside Adams County

Please do not allow this to happen in our neighborhood!

Kay Sears

Sent from my iPhone
Dear Greg,

Please be cautious: This email was sent from outside Adams County.

I understand there is a meeting this evening for the planned gravel mining for the city of Aurora. As a resident of Brighton for the last 20 years, I would say this should be a hard pass. I’m not sure why this is even being considered. It seems like Adams County turn this down once… I don’t understand why it is being brought up a second time.

This would be a huge eyesore for the city of Brighton, and frankly I would think there would be so many other possibilities for this land… Things that would beautify and better the city.

Please vote no on this proposed issue. Do it for the citizens of Brighton.

Thank you!

Jen Semroska
City of Brighton resident

Sent from my iPhone
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Commissioners:

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state's economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

I have been a resident of Adams County for 33 years.

Jose Sierra
Dear sir,

I am completely against AI's new request for the gravel mining project near Brighton's entrance from CO Highway 7.

We frequently drive into Brighton to shop and enjoy our local restaurants. It would be heartbreaking to have this environmental disaster on our city's doorstep.

I am seriously concerned about the loss of income to the local businesses due to this eyesore.

Please do not allow this travesty to move forward.

Thank you for your consideration.

Sincerely,

Marilyn Spickler
8480 E 160th Pl
Brighton, CO
From: Sandra Stockey <sanstockey@sbcglobal.net>
Sent: Tuesday, January 12, 2021 11:55 AM
To: Greg Barnes
Subject: Mining Pits

Please be cautious: This email was sent from outside Adams County

NO to Gravel Mining Pits at Brighton's West Gateway. Not compatible with the town of Brighton and Adams County.

Sandra Stockey
Please be cautious: This email was sent from outside Adams County

Thank you for your response. I have one more concern:

HWY 7 needs to be widened from at least Colorado Blvd to HWY 85. The county needs to hold businesses accountable to provide some if not all funding for roads in Adam's County. Taxes go up but no major structural improvements are being done, including bridges.

If this is not in line with your responsibilities, please route to correct department.

However roads on HWy 7 and Road 2 are in need of widening.

Note land on Road 2 by Sacks land will be covered with houses. It seems visionary to widen Road 2 while space is still available and houses are not built up to the road.

Sincerely,
Della Thompson

Sent from my Verizon, Samsung Galaxy smartphone

------- Original message -------
From: Greg Barnes <GJBarnes@adcogov.org>
Date: 8/26/20 9:45 AM (GMT-07:00)
To: Della Thompson <jatdt@msn.com>
Subject: RE: HWY 7 mining and traffic

Thank you for providing comments on this case. At the end of the referral period, all comments received will be shared with the applicant, and they will be asked to provide a response. You will be notified when the County receives their response to your comments.

Your comments will also be shared with the Planning Commission and Board of County Commissioners when the project goes to public hearings. The County will send you a notification letter when the hearings are scheduled.

Greg Barnes
Planner III, Community and Economic Development Dept.
ADAMS COUNTY, COLORADO
4430 S. Adams County Parkway, 1st Floor, Suite W2000A
Brighton, CO 80601-8216
720.523.6853 gjbarnes@adcogov.org
adcogov.org
Beginning July 27, 2020, my work schedule is:
Monday - Alternating weeks of 7 am - 3:30 pm and off
Tuesday - Friday - 7 am - 4:30 pm

-----Original Message-----
From: Della Thompson <jatdt@msn.com>
Sent: Monday, August 24, 2020 7:10 PM
To: Greg Barnes <GJBarnes@adcogov.org>
Subject: HWY 7 mining and traffic

Please be cautious: This email was sent from outside Adams County

Dear Mr Barnes,
My concern is the traffic with semi hauling equipment.

I understand currently drivers are paid per load. I believe this is a dangerous practice. This encourages drivers to speed. No matter what route is approved, the danger exist when they access HWY 7 or Road 2, then on to HWY 85 to go to a specified destination via many other roads.

Please make this one major topic on the agendas.

Sincerely,
Della THOMPSON
10561 East 158th CT
Brighton, CO 80602
720 254 7162
Sent from my iPad
Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning & Zoning Commissioners:

Our company, Thoutt Bros. Concrete Contractors Inc., located at 5460 Tennyson St. Denver, CO 80212 is a long-term partner of Aggregate Industries here in Colorado and we support their proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area in Adams County. We support the permit because we know that the aggregate materials from this quarry will help build the critical infrastructure that is the centerpiece of our company’s business.

In order to complete the construction projects we have here in the Denver Metro area, we need access to construction materials that the Tucson South quarry would offer. We look forward to having the opportunity to source the materials locally. It’s an added advantage to the community that there will be a trail installed and water storage created.

Aggregate Industries is a reputable enterprise in Colorado. We ask you to approve the permit the company seeks so we can continue to partner with the company in Adams County.

Sincerely,

[Signature]

Bryce Thoutt
V.P. Of Operations
Dear Commissioners:

As an employee of Aggregate Industries for 25 years, my wife and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family’s welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Steve Townley
Please be cautious: This email was sent from outside Adams County

Mr Barnes,

I wanted to write in opposition of the gravel mining proposal along Hwy 7 just west of Brighton. I don’t see how this benefits our area and will only create more pollution, dust and only creates an eyesore for our community. If you want an example look at the current state around the existing mined out gravel pits. While I generally support industry I just don’t see how this can be viewed as a good thing for the residents or the community.

Regards,

Brian Travis
6815 E 167th Ave
Brighton, CO 80602

Regards,

Brian Travis
President
Eaton Sales & Service LLC
(303) 296-5706
Dear Commissioners:

As an employee of Aggregate Industries for 20 years, my wife and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Neil Truax
Hello Greg Barnes,
We have looked over the proposed Tucson South Gravel Pits. We are very concerned because of the close proximity to Veterans Park.
We love the Park and take our grandchildren there and feel their health as well as ours would be endangered with the pollution coming from the area.
So we are opposed to this operation.

Don & Mary Lou Vollmer
15109 Verbena St
Brighton Co 80108
Hello,

I commented in 2019 and watched the hearing last year in which the County made good points against the Aggregate plan. Without reiterating all you have had to read and hear in the past: the noise and air pollution issues are still a concern; rather than improving Brighton and Adams County which has been agricultural and admittedly becoming more residential, it will bring just bring industrial problems; Business owners trying to improve Brighton downtown will be negatively impacted; Neither the "pond" that exists near the proposed area nor their land south of Hwy 7 have the desirable natural effect they claim residents will be left with; I understand you are looking to allow more acre lot housing just west of the area and that will lower property values and probably deter sales; etc. I admittedly have not read the 424 page application, but it does not appear to account for all of the concerns for Brighton and Adams County residents and businesses.

Thank you
Karen and Russell Walters  
11788 Cherry Drive  
Thornton, CO 80233  

Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204  

Dear Commissioners:

As employees of Aggregate Industries, my husband 6 years and myself over 25 years, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also long time Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.

Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.

Sincerely,

Karen Walters  
40+ year resident
Dear Mr. Barnes

Swiss owned Aggregate Industries/LafargeHolcim is seeking a Conditional Use Permit for TWO large gravel pits west of the gateway to Downtown Brighton. When fully mined they would become CLOSED off augmentation reservoirs for the City of Aurora. Brighton does not need more ugliness, blight, or DUST and there is NOTHING in this for the community. I understand that Adams County Commissioners turned Aggregate Industries (AI) down in late 2019, but AI has reapplied. Conditional Use Permits require that conditions are met: Some criteria includes, . . . Is the use compatible with the surrounding area? Is it harmonious with the character of the neighborhood? Is it detrimental to the immediate area, or to the future development of the area? Is it detrimental to the health, safety, or welfare of the inhabitants of the area /County? Can it address all off-site impacts?

This certainly is NOT compatible with the surrounding area. There is housing close by and these gravel pits would be detrimental to the health, safety and welfare of the surrounding area. Please turn down the request for this permit.

Sincerely,

Ruth Widerski
Heritage Todd Creek development
Please be cautious: This email was sent from outside Adams County

We’re against this mining project. No way to control the dust. No to the use of our water which is already outrageous. No to the unsightly look. What happened to the beautification and revitalization of Brighton? So disappointed that this has been voted down but they get to keep reapplying.

Thank you.

Lauren Wilson
10609 E 166th Pl
Brighton 80602

Sent from my iPad
Good morning Mr. Barnes –

We’ve lived in Brighton for about 38 years. We have seen lots of growth, some good, some bad. What is disturbing us now is the planned site for Aggregate Industries. Highway 7 is an “entrance” into Brighton and adding trucking traffic into that area seems a little short sighted. With the growth from Brighton to Lafayette and traffic that is already too heavy adding MORE truck traffic into an already congested traffic area is kind of crazy! The road damage from this extra traffic and weight will be increased as well. Do we get to pay for that too? I know money is a driving factor in most decisions regarding our growth but sometimes can we just take a breath and really take a look at how we want our city to look and how it’s citizens want the city to look? Did we want a waste water treatment plant on the north side of town? No, not really. Now we have an aggregate mining facility moving in on the west side of town. Do we want that? No, not really. Just because it’s on the outer fringes of town doesn’t mean it won’t have an effect on how our city looks to people coming into our town for shopping and dining. It doesn’t mean it won’t have a huge effect on traffic. It also is not “pretty”. Why not do something that makes our city look attractive to visitors and citizens alike? There are so many possibilities for new business growth in this area but an aggregate plant is not one that I thought would be in the plans. My question is will this deter new business/home growth in the area?

I was not happy hearing about the aggregate mining facility and I’ll admit I’ve not been to any meetings regarding this new venture. I’ve been to previous meetings regarding new home development and I’m pretty sure what we think will not be considered. I’ve learned from our property being bought out by the airport years ago that the decisions are already made by the time we hear about a change and I’m sure this one is as well. What I’ve learned is that the meetings that allow citizens to voice their opinions is for “show”. I hope this time the city commissioners listen to their constituents and stop this move. Thank you for your time.

Winnie Woodworth
14575 Young Drive
Brighton, Colorado 80601
January 7, 2021

Adams County Planning & Zoning Commission
4430 South Adams County Parkway
Brighton, CO 80601-8204

Dear Planning and Zoning Commissioners:

I am writing to request the Adams County Board of County Commissioners approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. I am a local trucker that primarily hauls material for Aggregate Industries. I mainly haul out the PLATTE VALLEY facility. The Tucson South quarry will be an important location for local, economical construction materials. I understand that there has been a great deal of planning to develop a conveyor system that moves materials from this site in a manner that is consistent with the standards the neighboring communities have sought during this process. I am local to this area and have no issues with this permit.

I believe having the construction materials available close to developments helps to hold down costs associated with hauling and delivering it to the job site.

We appreciate you considering Aggregate Industries' permit and would also appreciate you approving their permit.

Sincerely,

Thomas Worrall
Dear Mr. Barnes,

I live in Todd Creek Farms, in unincorporated Adams County, and I would like to express my opposition to the approval of any conditional or final permit to create a gravel pit mining operation off Highway 7 on the West entry to the city of Brighton. Such operations would have a direct and negative impact on me.

The tractor-trailer traffic and dust are a direct impact on me traveling from my home to the closest shopping centers, in Brighton. Living within approximately three to four miles from the proposed gravel pits, I expect the dust will invade every aspect of my home life, which will aggravate my asthma and other health issues.

The impact on the city of Brighton could be huge. Brighton is one of the states agricultural centers with Sakata, Lulu's, Palizzi, Berry Patch, and Bromley Farms to name a few, and the recently acquired and promoted historic Splendid Valley.

My understanding is that Aurora already has several augmentation reservoirs on 168th Av, in the vicinity of Brighton. We all need to be good neighbors, however, this reminds me of the effort several years ago by Broomfield to put their jail in the city of Westminster. I'm not an engineer, but if Aurora needs more augmentation reservoirs, put them in Aurora.

I urge the Adams County Board of County Commissioners to continue to say no to any gravel pit operations, conditional or final, along Highway 7 and Tucson Street or anywhere in the Brighton Area that detracts from the efforts of the people of Brighton, of which I consider myself to be one, to improve their community.

Sincerely,
Terry

Terry Young
n0ve@icloud.com
303-655-1550
Dear Mr. Barnes,

I live in Todd Creek Farms, in unincorporated Adams County, and I would like to express my opposition to the approval of any conditional or final permit to create a gravel pit mining operation off Highway 7, at the West entry to the city of Brighton. Such operations would have a direct and negative impact on me and my neighbors.

We live about three miles from the proposed gravel pits and my husband and I travel from our home in Todd Creek eastbound on Highway 7 for virtually all of our shopping and other errands. I'm sure we'll be dealing with dust, noise, and traffic impacts every time we go into town or head east for any other direction. My husband has asthma and we don't need the extra dust and dirt, not to mention the traffic and the noise.

The impact on the city of Brighton could be huge. We are working to become a tourism destination, and it will not help the City and our local businesses if tourists and potential shoppers need to pass this mess as they enter and leave Brighton.

I urge the Adams County Board of County Commissioners to continue to say no to any gravel pit operations, conditional or final, along Highway 7 and Tucson Street or anywhere in the Brighton Area that detracts from the efforts of the people of Brighton, of which I consider myself to be one, to improve their community.

Sincerely,

Linda Young
10231 E 151st Ct
Brighton CO 80602
Please be cautious: This email was sent from outside Adams County

I am writing you to voice my concerns regarding the proposed gravel pit by Aggregate Industries just west of Brighton. My major concerns are about the increased truck traffic on Hwy 7 as a result of this operation, the increased pollution (primarily dust), and the eventual reservoir that serves no benefit to Brighton or the Todd Creek area.

Existing semi-truck traffic for construction and fracking is already damaging the highway enough, plus there is already too much traffic on the two-lane highway. We do not need more damage due to a project that does not appear to support the community and compromises driving safety (there is already too much traffic on the two-lane highway - we do not need to compromise safety more). The increase in dust and other pollutants as a result of the operation will further adversely affect those with compromised lung issues.

Please say no to this proposal.

Robert Young
7910 E 152nd Drive
Thornton CO, 80602
January 5, 2021

Aggregate Industries
1687 Cole Blvd
Suite 300
Golden, CO 80401

Re: Aggregate Industries Tucson Pit Opportunity

Recipient,

Currently, furthermore and the past, Aggregate Industries (AI) and Northern Colorado Constructors Inc. (NCCI) relations in the industry of Construction Materials processing and handling has illustrated a much different approach than our competitors, and it is their surroundings that make AI different. We have both deployed opportunities for our communities, the environment, and workforce, but AI has amplified NCCI opportunities even further.

Over the past few years, AI has expanded NCCI’s business strategy tremendously. This includes Health and Safety, Environmental, Material Processing and Handling, Site Management, Reclamation and Community Awareness. AI has increased NCCI workforce across our entire company and most importantly, directly enhanced the various communities we live and work in. Furthermore, NCCI holds AI in high regard for their strong commitment to helping individuals and small businesses in the area piggyback on their success. Their attention to detail for providing jobs to the community is astonishing, but also their knowledge and passion for the Environment is clearly just as important.

Throughout the years of working with AI, NCCI has completed numerous improvements, modifications, and repairs to their facilities/sites to enhance the Environment and site appearance. This includes, creation of wildlife habitats, water management, earthen erosion mitigation, dust/air pollution mitigation and site landscaping. AI strongly recognizes all of these to be just as important as taking care of their customers. Working in this industry, we all recognize the Environment as a prime customer.

AI is a valued client, we recommend the Character, Honesty and Reliability this company has to offer for those who work with, deal with, and are involved with in any of their operation(s) they own, manage, or operate. Their success and level of knowledge, expertise and resources defines AI with certainty for those to trust.

Chris Zadel
Northern Colorado Constructors Inc.
Adams County Planning & Zoning Commission  
4430 South Adams County Parkway  
Brighton, CO 80601-8204  

Dear Commissioners:  

As an employee of Aggregate Industries, my family and I ask that the Adams County Planning & Zoning Commission approve the proposed permit, EXG2020-00001 Aggregate Industries WCR, Inc. - Gravel Mining Area. Since we are also Adams County residents, we know first-hand that the aggregate materials from this quarry will help build the infrastructure that we support and our jobs and family welfare relies on.  

Every day, we know that our jobs depend on residential and commercial developments as well as the infrastructure that must be built and maintained for citizens and commerce. Our state’s economy will continue to thrive with the development of these resources. The proposed quarry will not be a long-term feature of Adams County. We look forward to enjoying the proposed trail and having a much-needed facility to store water for the City of Aurora.  

 Aggregate Industries is a good corporate citizen here in Colorado and it provides the pay and benefits that allow my family and me to enjoy life on the front range. We urge you to approve the permit the company seeks so we can continue to build Colorado.  

Sincerely,  

[Signature]  

BE AN RESIDENT SINCE 2012.  
8 YEARS.
Request for Comments

Case Name: Tucson South
Case Number: EXG2020-00001

August 13, 2020

The Adams County Planning Commission is requesting comments on the following application: **conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district.** This request is located near 12255 East 160th Avenue. The Assessor's Parcel Numbers are: 0157101000016, 0157101000017, 0157101000028, 0157101000033, 0157101000034, 0157101000035, 01571010002001, 0157101100002, 0157101200010, 0157101300001, 0157101300002.

Applicant Information: AGGREGATE INDUSTRIES - WCR, INC
CHANCE ALLEN
1687 COLE BLVD
SUITE 300
GOLDEN, CO 80401

Please forward any written comments on this application to the Community and Economic Development Department at 4430 South Adams County Parkway, Suite W2000A Brighton, CO 80601-8216 or call (720) 523-6800 by 09/07/2020 in order that your comments may be taken into consideration in the review of this case. If you would like your comments included verbatim please send your response by way of e-mail to GJBarnes@adcogov.org.

Once comments have been received and the staff report written, the staff report and notice of public hearing dates may be forwarded to you upon request. The full text of the proposed request and additional colored maps can be obtained by contacting this office or by accessing the Adams County web site at www.adcogov.org/planning/currentcases.

Thank you for your review of this case.

Greg Barnes
Planner III
## Public Hearing Notification

<table>
<thead>
<tr>
<th>Case Name:</th>
<th>Tucson South</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number:</td>
<td>EXG2020-00001</td>
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<tr>
<td>Planning Commission Hearing Date:</td>
<td>January 14, 2021 at 6:00 p.m.</td>
</tr>
<tr>
<td>Board of County Commissioners Hearing Date:</td>
<td>February 2, 2021 at 9:30 a.m.</td>
</tr>
</tbody>
</table>

December 21, 2020

A public hearing has been set by the Adams County Planning Commission and the Board of County Commissioners to consider the following request: Conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district. The Assessor’s Parcel Numbers are: 0157101000016, 0157101000017, 0157101000028, 0157101000033, 0157101000034, 0157101000035, 0157101002001, 0157101100002, 0157101200010, 0157101300001, and 0157101300002. The site is located on the east and west sides of Tucson Street in between Highway 7 and East 168th Avenue. The applicant is Aggregate Industries - WCR, Inc, 1687 Cole Blvd. Suite 300, Golden, CO 80401

The Planning Commission meeting will be held virtually using the Zoom video conferencing software and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. For instructions on how to access the public hearing via telephone or internet, or to submit comment, please visit [http://www.adcogov.org/planning-commission](http://www.adcogov.org/planning-commission) for up to date information.

The Board of County Commissioners meeting is broadcast live on the Adams County YouTube channel and members of the public will be able to submit comments prior to the start of the public hearing that will then be entered into the record. The eComment period opens when the agenda is published and closes at 4:30 p.m. the Monday prior to the noticed meeting. For instructions on how to access the public hearing and submit comments, please visit [http://www.adcogov.org/bocc](http://www.adcogov.org/bocc) for up to date information.

These will be public hearings and any interested parties may attend and be heard. The Applicant and Representative’s presence at these hearings is requested. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at [www.adcogov.org/planning/currentcases](http://www.adcogov.org/planning/currentcases).

Thank you for your review of this case.

Greg Barnes
Planner III
gjbarnes@adcogov.org
Case Name: Tucson South
Case Number: EXG2020-00001
Planning Commission Hearing Date: January 14, 2021 at 6:00 p.m.
Board of County Commissioners Hearing Date: February 2, 2021 at 9:30 a.m.
Case Manager: Greg Barnes, gjbarnes@adcogov.org, 720-523-6853

Request: Conditional use permit to allow extraction use in the Agricultural-1 (A-1) zone district

Parcel Numbers: 0157101000016, 0157101000017, 0157101000028, 0157101000033, 0157101000034, 0157101000035, 0157101002001, 0157101100002, 0157101200010, 0157101300001, and 0157101300002

Location of the Request: east and west sides of Tucson Street in between Highway 7 and East 168th Avenue

Applicant: Aggregate Industries - WCR, Inc, 1687 Cole Blvd. Suite 300, Golden, CO 80401

Legal Description:
TRACT A
THAT PARCEL OF LAND AS DESCRIBED IN A GENERAL WARRANTY DEED RECORDED FEBRUARY 27, 2001 AT RECEPTION NO. C0765905, COUNTY OF ADAMS, STATE OF COLORADO.
EXCEPT PARCEL B AS DESCRIBED IN A GENERAL WARRANTY DEED RECORDED FEBRUARY 27, 2001 AT RECEPTION NO. C0765905, COUNTY OF ADAMS, STATE OF COLORADO.
AND EXCEPT THAT TRACT OF LAND CONVEYED TO CITY OF AURORA AS DESCRIBED IN GENERAL WARRANTY DEED RECORDED DECEMBER 22, 2005, AS RECEPTION NO. 20051222001399920, COUNTY OF ADAMS, STATE OF COLORADO.
TRACT B
A PARCEL OF LAND IN THE SW 1/4 OF SECTION I, TOWNSHIP I SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF ADAMS. STATE OF COLORADO, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 1: THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 1 A DISTANCE OF 1449 FEET; THENCE S84°05'E A DISTANCE OF 1334.7 FEET TO THE TRUE POINT OF BEGINNING:
THENCE S69°18'E, 260.7 FEET;
THENCE N07°32'E, 171.6 FEET;
THENCE N69°18'W, 260.7 FEET;
THENCE S07°32'W, 171.6 FEET TO THE POINT OF BEGINNING, COUNTY OF ADAMS, STATE OF COLORADO.
TRACT C
ALL THAT TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED RECORDED SEPTEMBER 26, 2016 AT RECEPTION NO. 2016000080681, COUNTY OF ADAMS, STATE OF COLORADO.
TRACT D
THAT PART OF THE NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO DESCRIBED AS:
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE N. 89°37'18" E. ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 1050.57 FEET; THENCE S. 00°08'29" E, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 621.95 FEET TO A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE QUARTER AND 5 FEET SOUTH OF AN EXISTING HOUSE; THENCE S. 89°37'18" W. ALONG SAID LINE A DISTANCE OF 1050.57 FEET TO THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE N. 00°08'29" W. ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 621.95 FEET, TO THE POINT OF BEGINNING; EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT E

THAT PART OF THE NORTH ONE-HALF SOUTHEAST ONE QUARTER SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO, LYING NORTH AND WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER, DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 00°08'29" EAST ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 621.95 FEET TO A LINE THAT IS PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER AND 5 FEET SOUTH OF AN EXISTING HOUSE AND THE POINT OF BEGINNING; THENCE NORTH 89°37'18" EAST, PARALLEL WITH THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1050.57 FEET; THENCE NORTH 00°08'29" WEST, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 621.95 FEET TO THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE NORTH 89°37'18" EAST ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1635.47 FEET TO THE NORTHEAST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER;

THENCE SOUTH 00°31'01" EAST ALONG THE EAST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 590.02 FEET TO THE CENTERLINE OF THE SOUTH PLATTE RIVER; THENCE SOUTHERLY ALONG THE CENTERLINE OF THE SOUTH PLATTE RIVER SOUTH 53°55'12" WEST, A DISTANCE OF 142.93 FEET TO A LINE THAT IS 646.34 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 89°54'25" WEST ALONG SAID LINE, A DISTANCE OF 1324.16 FEET TO A LINE THAT IS 1250.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 00°08'29" EAST, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 169.08 FEET TO A LINE THAT IS 477.26 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE SOUTH 89°54'25" WEST ALONG SAID LINE, A DISTANCE OF 1250.00 FEET TO THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE NORTH 00°08'29"
WEST ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 207.94 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT F

THAT PART OF THE NORTH ONE-HALF OF THE SOUTHEAST ONE-QUARTER, SECTION 1, TOWNSHIP 1, SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, STATE OF COLORADO, LYING NORTH AND WEST OF THE CENTERLINE OF THE SOUTH PLATTE RIVER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE N00°08′29″W, ALONG THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 477.26 FEET; THENCE N89°54′25″E, PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1250.00 FEET; THENCE N00°08′29″, PARALLEL WITH THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 169.08 FEET; THENCE N89°54′25″E, PARALLEL WITH THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 1324.16 FEET TO THE CENTERLINE OF THE SOUTH PLATTE RIVER; THENCE BY THE FOLLOWING COURSES AND DISTANCES ALONG THE CENTERLINE OF THE SOUTH PLATTE RIVER; S53°55′12″W, 94.57 FEET; S32°39′44″W, 231.53 FEET, S26°54′09″W, 242.48 FEET; S15°48′38″W, 187.17 FEET TO THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE S89°54′25″W, ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER, A DISTANCE OF 2210.47 FEET TO THE POINT OF BEGINNING, EXCEPT THE WEST 40.00 FEET THEREOF, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT G

ALL THAT TRACT OF LAND DESCRIBED IN THE QUIT CLAIM DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 201700018970, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT H

THE SW1/4 OF THE SE1/4 OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST, EXCEPT THAT PART AS DESCRIBED IN BOOK 1055 AT PAGE 52, AND IN BOOK 1214 AT PAGE 326 AND EXCEPT THAT PART DESCRIBED IN BOOK 1205 AT PAGE 128, COUNTY OF ADAMS, STATE OF COLORADO

Virtual Meeting and Public Comment Information:

These meetings will be held virtually. Please visit http://www.adcogov.org/planning-commission and http://www.adcogov.org/boc for up to date information on accessing the public hearings and submitting comment prior to the hearings. The full text of the proposed request and additional colored maps can be obtained by accessing the Adams County Community and Economic Development Department website at www.adcogov.org/planning/currentcases.
Referral Listing  
Case Number EXG2020-00001  
Tucson South

<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| Adams County Attorney's Office                                        | Christine Fitch  
4430 S Adams County Pkwy  
Brighton CO 80601  
720-523-6352  
CFitch@adcogov.org                                                     |
| Adams County CEDD Development Services Engineer                       | Devt. Services Engineering  
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720-523-6800                                                          |
| Adams County CEDD Environmental Services Division                     | Katie Keefe  
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kkeefe@adcogov.org                                                     |
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amlessi@adcogov.org                                                   |
| Adams County Community Safety & Wellbeing, Neighborhood Services      | Gail Moon  
4430 S. Adams County Pkwy.  
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| Adams County Development Services - Building                          | Justin Blair  
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JBlair@adcogov.org                                                     |
| Adams County Parks and Open Space Department                          | Aaron Clark  
(303) 637-8005  
aclark@adcogov.org                                                     |
| Adams County Parks and Open Space Department                          | Marc Pedrucci  
303-637-8014  
m педруци@adcogov.org                                                 |
| Adams County Sheriff's Office                                         | - -  
303-655-3283  
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CDPHE SOLID WASTE UNIT
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ED BURKE
500 S. 4th Ave, 4th Floor
BRIGHTON CO 80601
303-655-2084
eburke@brightonco.gov
<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact Information</th>
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</table>
| COLO DIV OF WATER RESOURCES                | Joanna Williams  
**OFFICE OF STATE ENGINEER**  
1313 SHERMAN ST., ROOM 818  
DENVER CO 80203  
303-866-3581  
joanna.williams@state.co.us |
| COLORADO DEPT OF TRANSPORTATION             | Steve Loeffler  
2000 S. Holly St.  
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steven.loeffler@state.co.us |
| COLORADO DIVISION OF WILDLIFE               | Matt Martinez  
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303-291-7526  
matt.martinez@state.co.us |
| COLORADO DIVISION OF WILDLIFE               | Serena Rocksund  
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| COLORADO GEOLOGICAL SURVEY                  | Jill Carlson  
1500 Illinois Street  
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303-384-2643  303-384-2655  
CGS_LUR@mines.edu |
| Colorado Geological Survey: CGS_LUR@mines.edu | Jill Carlson  
Mail CHECK to Jill Carlson  
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CGS_LUR@mines.edu |
| COMCAST                                     | JOE LOWE  
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| Division of Mining and Reclamation Safety   | Jared Ebert  
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1313 Sherman St., #215  
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jared.ebert@state.co.us |
| Eagle Shadow Metro District 1/ Spencer Fane | JIM WORTHY  
1700 Lincoln Street  
Suite 2000  
Denver CO 80203  
303-637-0344 |
<table>
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<tr>
<th>Agency</th>
<th>Contact Information</th>
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</table>
| FARMERS & GARDNERS DITCH COMPANY | GERI BARELA  
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1600 W. 12TH AVENUE  
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| McCann Ditch and Reservoir Company | Ron Henley  
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| METRO WASTEWATER RECLAMATION | CRAIG SIMMONDS  
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| Todd Creek Village Metropolitan District | Don Summers  
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GREENWOOD VILLAGE CO 80111  
720-200-1571  
landuse@tchd.org |
<table>
<thead>
<tr>
<th>Agency</th>
<th>Contact Information</th>
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</thead>
</table>
| Tri-County Health: Mail CHECK to Sheila Lynch | Tri-County Health  
landuse@tchd.org |
| UNION PACIFIC RAILROAD             | Anna Dancer  
1400 DOUGLAS ST STOP 1690  
OMAHA NE 68179  
402-544-2255  
aldancer@up.com |
| United Power                       | - -  
303-659-0551  
platreferral@unitedpower.com |
| US EPA                             | Stan Christensen  
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| WELD COUNTY PLANNING DEPT.         | TOM PARKO  
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GREELEY CO 80631  
(970) 353-6100 x3572  
tparko@weldgov.com |
| Xcel Energy                        | Donna George  
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Donna.L.George@xcelenergy.com |
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7501 VILLAGE SQUARE DR STE 205
CASTLE PINES CO 80108-3700

SAKATA JOANNA LIVING TRUST
PO BOX 508
BRIGHTON CO 806010508

RODRIGUEZ ANTOLIN AND
ARCINIEGA DE RODRIGUEZ NORMA L
13168 CLERMONT CT
THORNTON CO 80241-2290

RODRIGUEZ FLORES CARLOS AND
CAMACHO ARMENDARIZ RAQUEL
322 N 18TH CT
BRIGHTON CO 80601-1954

RODRIGUEZ NEMESIO AND
RODRIGUEZ DIANA
583 OXBOW DR
BRIGHTON CO 80601-5395

ROJO ERICK AND
ROJO ISABEL
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BRIGHTON CO 80601-1837

ROTHMAN SHARON ELAINE
C/O CLARA HOSKINS
6360 W 38TH AVE NO. 205B
WHEAT RIDGE CO 80033

RUTHERFORD PHYLLIS ANN TRUSTEE OF THE
RUTHERFORD PHYLLIS LIVING TRUST THE
8072 LAKEVIEW DR
PARKER CO 80134-5908

SAKATA JOANNA LIVING TRUST
PO BOX 508
BRIGHTON CO 806010508

SAN MARTIN CABALLERO LLC
333 E 76TH AVE
DENVER CO 80229-6209

SANCHEZ EDUARDO AND
SANCHEZ DORA
8701 E 163RD PL
BRIGHTON CO 80602

SCHMITT PAULA
857 S 10TH AVE
BRIGHTON CO 80601-3238

SCLM INVESTMENTS LLC
PO BOX 805
BRIGHTON CO 80601-0805

SHARP ROGER
363 MILLER AVENUE
BRIGHTON CO 80601

SHELL LLC
4277 N 109TH ST
LAFAYETTE CO 80026-9661

SHELL LLC
4277 N 109TH ST
LAFAYETTE CO 80026

SILVERROCK LLC
150 S MAIN STREET
BRIGHTON CO 80601

SINGH HARVINDER AND
KHAIRA SUKHAVINGER
2835 BRANCH RD
PASO ROBLES CA 93446-7357
TRUJILLO RANDY AND DOMINGUEZ DAMIAN
132 N 10TH AVE
BRIGHTON CO 80601-1810

TRUNKENBOLZ LLC
609 S 1ST AVE
BRIGHTON CO 80601-3001

VIGIL MARY JANE
351 N MAIN ST
BRIGHTON CO 80601-1630

W 65TH PROPERTY MANAGEMENT LLC
11084 LEROY DR
NORTHGLENN CO 80233-3617

UNION PACIFIC RAILROAD COMPANY
C/O PROPERTY TAX DEPARTMENT
1400 DOUGLAS STOP 1640
OMAHA NE 68179-1640

WALNUT STREET APARTMENTS LLC
C/O BLUE SPRUCE EQUITY LLC
PO BOX 101404
DENVER CO 80250-1404

UNION PACIFIC RAILROAD COMPANY
C/O PROPERTY TAX DEPARTMENT
1400 DOUGLAS STOP 1690
OMAHA NE 68179-1640

WALSH JERRY P REVOCABLE TRUST THE
PO BOX 307
BRIGHTON CO 80601-0307

UNITED BANK OF BRIGHTON
C/O THOMSON PROPERTY TAX SERVICES
PO BOX 2609
CARLSBAD CA 92018-2609

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325 BIRCH AVE
BRIGHTON CO 80601-2915

UNITED POWER INC
ATTN: PROPERTY TAX DEPT.
BRIGHTON CO 80603-8728

WEBB PHYLLIS ELLEN TRUST THE
12152 E 168TH AVE
BRIGHTON CO 80602-6661

UNITED STATES POSTAL SERVICE
1745 STOUT ST
DENVER CO 80202

WELD COUNTY
1150 O ST
GREELEY CO 80631-9596

VAUGHN JOHNIE AND VAUGHN PATRICIA
5472 LINCOLN ST FL 2
DENVER CO 80216-1744

WENGERT BRYAN DANIEL
3533 W 150TH CT
BROOMFIELD CO 80023-9417

VELASQUEZ PETE AND VELASQUEZ NORMA
109 E BRIDGE ST
BRIGHTON CO 80601-1606

WISE GERALD AND WISE BONNIE
PO BOX 956
BRIGHTON CO 80601-0956

VELASQUEZ PETE AND VELASQUEZ NORMA A
16489 VENTURA CT
BRIGHTON CO 80601-4253

WPD LLC
11305 S GRANITE AVE
TULSA OK 74137-7709
<table>
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<td>YOSHI AND SUZU LLLP</td>
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<td>BRIGHTON CO 806010508</td>
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<tr>
<td>ALEXANDER JONATHAN ALEXANDER KIRA</td>
<td>OR CURRENT RESIDENT 11541 E 161ST AVE BRIGHTON CO 80602-7653</td>
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<tr>
<td>ZAPIEN JESUS JR AND ZAPIEN GUILLERMINA</td>
<td>875 S 9TH AVE BRIGHTON CO 80601</td>
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<td>ALMANZA MARGARITA MEZA DE AND ALMANZA SAUL</td>
<td>OR CURRENT RESIDENT 308 CEDAR AVE BRIGHTON CO 80601-2922</td>
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<td>209 KUNER LLC</td>
<td>209 KUNER RD BRIGHTON CO 80601-2822</td>
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<td>3885 FOREST LLC</td>
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285 ASH AVE
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BARLOW ZANE POWELL
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11640 E 163RD CT
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ARMIJO LOUIS J
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11830 E 160TH AVE
BRIGHTON CO 80602

BARRON ROSE E
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51 MILLER AVE
BRIGHTON CO 80601-2887

ARQUIRO HARRY JR
OR CURRENT RESIDENT
233 MILLER AVENUE
BRIGHTON CO 80601

BAUER ERIN F AND
BAUER ERIC F
OR CURRENT RESIDENT
16340 PARIS WAY
BRIGHTON CO 80602-8298

ASHBURN JOHN F JR AND
ASHBURN JEANNE M
OR CURRENT RESIDENT
11581 E 161ST AVE
BRIGHTON CO 80602-7653

BEGGS CHRISTINE B AND
BEGGS RAY A
OR CURRENT RESIDENT
268 N 5TH AVE
BRIGHTON CO 80601

BABB DAVE H AND
BABB ROSEMARY
OR CURRENT RESIDENT
356 MILLER AVE
BRIGHTON CO 80601-2941

BEJARANO BENNIE J AND
BEJARANO MICHELE M
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11523 E 163RD CT
BRIGHTON CO 80602-7599

BADER CARLY AND
BADER JOSHUA
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11370 E 161ST AVE
BRIGHTON CO 80602-7638

BETTGER BARBARA
OR CURRENT RESIDENT
290 ASH AVE
BRIGHTON CO 80601-2902

BAJOREK JACK D AND
BAJOREK TERESA L
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16320 PARIS WAY
BRIGHTON CO 80602-8298

BETTGER LORETTA
OR CURRENT RESIDENT
265 ASH AVE
BRIGHTON CO 80601

BAKER BRIENNA L
OR CURRENT RESIDENT
324 CEDAR AVE
BRIGHTON CO 80601-2922

BLACK JOSEPH D AND
BLACK JENNIFER
OR CURRENT RESIDENT
16050 OAKLAND CT
BRIGHTON CO 80602-8296

BAKER DELORES R 1/3 INT AND
BAKER BRETT A/APRIL K 2/3 INT
OR CURRENT RESIDENT
12420 E 160TH AVE
BRIGHTON CO 80602-8221

BLAKEY ADAM AND
BLAKEY ANNE
OR CURRENT RESIDENT
16060 NEWARK LN
BRIGHTON CO 80602-8295

BAMA LLC
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139 N MAIN ST
BRIGHTON CO 80601-1626

BLOOM KATHLEEN L
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G & B RENTALS LLC
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65 S 1ST AVE
BRIGHTON CO 80601-1603

GAHNSTROM KEVIN R
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359 ELM AVE
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GALLEGOS SHELBY R
OR CURRENT RESIDENT
244 MILLER AVE
BRIGHTON CO 80601-2939

GALLEGOS THERESA R/ADAM GABRIEL
CH LENG
OR CURRENT RESIDENT
307 MILLER AVE
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GARCIA ATRIAN ROBERTO AND HERNANDEZ JUAN
OR CURRENT RESIDENT
337 MILLER AVE
BRIGHTON CO 80601-2940

GARCIA ESCOBAR EBELY ARCELY
OR CURRENT RESIDENT
16035 NEWARK LN
BRIGHTON CO 80602-8295

GARCIA PAULA S
OR CURRENT RESIDENT
305 ASPEN DR
BRIGHTON CO 80601-2906

GARCIA PETE
OR CURRENT RESIDENT
240 N 4TH AVE
BRIGHTON CO 80601-1708

GARCIA ROBERT A
OR CURRENT RESIDENT
325 ELM AVE
BRIGHTON CO 80601-2931

GASCONE LUIS F
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431 N 6TH AVE
BRIGHTON CO 80601-1509

GASPAROVICH DAMARIS AND ECKELMAN ROBERT D
OR CURRENT RESIDENT
210 ASPEN DR
BRIGHTON CO 80601-2905

GERMAN JOHN L AND GERMAN MARY E TRUSTEES OF THE GERMAN FAMILY TRUST
OR CURRENT RESIDENT
16220 NOME ST
BRIGHTON CO 80602-8301

GHARIBYAR HAYDEN AND GHARIBYAR NORIA
OR CURRENT RESIDENT
11520 E 162ND DR
BRIGHTON CO 80602-7684

GIRON ROBERT L AND GIRON ORLINDA
OR CURRENT RESIDENT
231 ASPEN DR
BRIGHTON CO 80601-2906

GLIDEWELL BRADLEY G AND GLIDEWELL CRISTINA
OR CURRENT RESIDENT
11981 E 160TH AVENUE
BRIGHTON CO 80602

GOMEZ ANDRES AND GOMEZ CRISTINA AND ALLEN KATIE
OR CURRENT RESIDENT
249 BALSAM AVE
BRIGHTON CO 80601-2909

GOMEZ LUIS JR
OR CURRENT RESIDENT
271 BALSAM AVE
BRIGHTON CO 80601-2909

GONZALES CHARLES AND GONZALES LISA
OR CURRENT RESIDENT
16021 OAKLAND CT
BRIGHTON CO 80602-8296

GONZALES JOSE HERNANDEZ
OR CURRENT RESIDENT
256 MILLER AVE
BRIGHTON CO 80601

GONZALES ROQUE J AND GONZALES THERESA R
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BRIGHTON CO 80601
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16164 PARIS WAY
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LABER HEATH
OR CURRENT RESIDENT
275 N 5TH AVE
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LAMB CHRISTOPHER AND LAMB SHEILA L
OR CURRENT RESIDENT
11560 E 162ND DR
BRIGHTON CO 80602-7684

LAMBERT JAMES DONALD 1/2 INT AND
LAMBERT BARBARA JEAN 1/2 INT
OR CURRENT RESIDENT
11660 E 160TH AVE
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LAMPSHIRE RICHARD WILLIAM AND
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11663 E 163RD CT
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LARSON RICHARD LEROY
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276 N 5TH AVE
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LEIPOLD LANA R GOUDY AND
GOUDY JAMES A JR
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317 BALSAM AVE
BRIGHTON CO 80601-2911

LEPANT JOHN C
OR CURRENT RESIDENT
186 DENVER ST
BRIGHTON CO 80601-1620

LINK CORY M AND LINK NATASHA A
OR CURRENT RESIDENT
11680 E 163RD CT
BRIGHTON CO 80602-7504

LLOYD BRUCE MICH
OR CURRENT RESIDENT
12202 E 168TH AVE
BRIGHTON CO 80602-6661

LOCKETT KEVIN LEE
OR CURRENT RESIDENT
12302 E 168TH AVE
BRIGHTON CO 80602

LONG HONG AND YE ELAINE
OR CURRENT RESIDENT
16041 OAKLAND CT
BRIGHTON CO 80602-8296

LOYA DANIEL R AND
LOYA EVA
OR CURRENT RESIDENT
275 ASH AVE
BRIGHTON CO 80601-2901

LOYA DANIEL R JR
OR CURRENT RESIDENT
260 ASPEN DR
BRIGHTON CO 80601-2905

LOYA DANIEL R JR
OR CURRENT RESIDENT
327 ELM AVE
BRIGHTON CO 80601-2901

LUCAS NATASHA AND LUCAS DAVID
OR CURRENT RESIDENT
16257 PARIS WAY
BRIGHTON CO 80602-8299

LUCIO MUNOZ ANTONIO AND
LUCIO MUNOZ BENITA
OR CURRENT RESIDENT
327 ELM AVE
BRIGHTON CO 80601-2931

MACIAS HELEN R AND
MACIAS ROBERT A
OR CURRENT RESIDENT
16080 OAKLAND CT
BRIGHTON CO 80602-8296

MAEZ VIRGINIA J
OR CURRENT RESIDENT
255 BALSAM AVE
BRIGHTON CO 80601-2909

MALLOY PAUL A
OR CURRENT RESIDENT
129 N 4TH AVE
BRIGHTON CO 80601-1705
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SHROCK DAISY L
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313 ASPEN DR
BRIGHTON CO 80601-2906

SIEGMAN MICHAEL AND
SIEGMAN KATRINA
OR CURRENT RESIDENT
377 DOGWOOD AVE
BRIGHTON CO 80601-2926

SYNDER DALE R AND
SYNDER RUTHANN
OR CURRENT RESIDENT
268 BIRCH AVE
BRIGHTON CO 80601-2914

SOLIS ABIGAIL
OR CURRENT RESIDENT
322 ELM AVE
BRIGHTON CO 80601-2932

SOLIS MARTIN
OR CURRENT RESIDENT
446 N 5TH AVE
BRIGHTON CO 80601-1506

SOUTHALL RICHARD E AND
SOUTHALL TERI L
OR CURRENT RESIDENT
16180 NEWARK ST
BRIGHTON CO 80602-8302

SPAM ONE LLC
OR CURRENT RESIDENT
55 W BRIDGE ST
BRIGHTON CO 80601-1605

STEED TRAVIS
OR CURRENT RESIDENT
16075 NEWARK LN
BRIGHTON CO 80602-8295

STEVEN'S KATELIN AND
THILL NICHOLAS
OR CURRENT RESIDENT
235 ASH AVE
BRIGHTON CO 80601-2901

STINSON CHRISTOPHER LYN AND
STINSON ASHLEY ANNE
OR CURRENT RESIDENT
16300 PARIS WAY
BRIGHTON CO 80602-8298

STUBBS BRYAN
OR CURRENT RESIDENT
325 MILLER AVE
BRIGHTON CO 80601-2940

SWENSON BLAIR LEE PROPERTIES LLC
OR CURRENT RESIDENT
165 LONGS PEAK ST
BRIGHTON CO 80601-1674

TAFOYA JOEL T AND
TAFOYA MARY LENA
OR CURRENT RESIDENT
286 BIRCH AVE
BRIGHTON CO 80601-2914

TALBERG GLORIA AND
KETZ ASTRIDE
OR CURRENT RESIDENT
225 N 5TH AVE
BRIGHTON CO 80601-1712

TARIN JUAN
OR CURRENT RESIDENT
318 MILLER AVE
BRIGHTON CO 80601-2941

THE MARIO GORDILLO LIVING TRUST
OR CURRENT RESIDENT
216 BALSAM AVE
BRIGHTON CO 80601-2910

THOMPSON JANNAFAYE
OR CURRENT RESIDENT
261 N 5TH AVE
BRIGHTON CO 80601

THYFAULT SCOTT C
OR CURRENT RESIDENT
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TOBIN JEFFREY J
OR CURRENT RESIDENT
142 N 4TH AVE
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CURRENT RESIDENT
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BRIGHTON CO 80601-1504

CURRENT RESIDENT
313 N 5TH AVE
BRIGHTON CO 80601-1503

CURRENT RESIDENT
348 N 5TH AVE
BRIGHTON CO 80601-1504

CURRENT RESIDENT
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BRIGHTON CO 80601-1503

CURRENT RESIDENT
388 N 5TH AVE
BRIGHTON CO 80601-1504

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BRIGHTON CO 80601-1671

CURRENT RESIDENT
105 LONGS PEAK ST LOT 2
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105 LONGS PEAK ST LOT 3
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105 LONGS PEAK ST LOT 4
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CURRENT RESIDENT
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CURRENT RESIDENT
314 BIRCH AVE
BRIGHTON CO 80601-2916

CURRENT RESIDENT
337 CEDAR AVE
BRIGHTON CO 80601-2945

CURRENT RESIDENT
332 CEDAR AVE
BRIGHTON CO 80601-2922

CURRENT RESIDENT
108 MILLER AVE APT 101
BRIGHTON CO 80601-3901

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353 DOGWOOD AVE
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CURRENT RESIDENT
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108 MILLER AVE APT 103
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CURRENT RESIDENT
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BRIGHTON CO 80601-2930

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12522 E 168TH AVE
BRIGHTON CO 80602-6660

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11350 E 160TH AVE
BRIGHTON CO 80602-7400

CURRENT RESIDENT
11790 E 160TH AVE
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CURRENT RESIDENT
11580 E 162ND DR
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12615 WCR 2 UNIT 5
BRIGHTON CO 80603

CURRENT RESIDENT
156 WCR 23 1/2
BRIGHTON CO 80603

CURRENT RESIDENT
51 BASELINE ROAD
BRIGHTON CO 80603
CERTIFICATE OF POSTING

I, J. Gregory Barnes do hereby certify that I posted the subject property on December 30, 2020 in accordance with the requirements of the Adams County Development Standards and Regulations.

J. Gregory Barnes
Tucson South

EXG2020-00001
East and West Sides of Tucson Street
North of Highway 7, South of East 168th Avenue

March 9, 2021
Board of County Commissioners Public Hearing
Community and Economic Development Department
Case Manager: Greg Barnes
Request

Conditional Use Permit to allow:

- Extraction use in Agricultural-1 (A-1)
- Approximately 285 acres
Criteria for Conditional Use Permits
Section 2-02-09-06

1. Permitted in zone district
2. Consistent with regulations
3. Comply with performance standards
4. Harmonious & compatible
5. Addressed all off-site impacts
6. Site suitable for use
7. Site plan adequate for use
8. Adequate services
Additional Information

Conditional Use Permit to allow:

- Timeframe: 8 Years
- Proposed dry mining with slurry wall
- Hours of Operation: 7 am – 7 pm, Mon.-Sat.
Impact Mitigation

- Wildlife Survey Reporting
- Fugitive Dust Control
- Reclamation Planning
- Mosquito Control
- Hours of Operation
- Stockpile Height
- Landscaping Plan
- 10-12’ Berms
State Highway 7

PHASING

Tucson St

Phase I

Phase II

State Highway 7
Overall Site Plan
Proposed Material Conveyance

1. **TEMPORARY GRASS SCREENING BERM**
   - **NOTE:**
   - MINIMUM 20' SETBACK (SEE NOTE #1)
   - MAINTENANCE ROAD
   - CONVEYOR

2. **ON-SITE ABOVE GROUND CONVEYOR SYSTEM DETAIL**
   - **NOTE:**
   - CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 20' FROM TUCSON STREET.

3. **TUCSON STREET CONVEYOR CROSSING DETAIL**
   - **NOTE:**
   - INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER VENUE IS SUBJECT TO APPROVAL OF ADAMS COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

4. **168TH AVENUE CONVEYOR CROSSING DETAIL**

5. **3-WIRE FARM FENCE DETAIL**
   - **NOTE:**
   - INSTALLATION OF THE 3-WIRE FARM FENCE IS SUBMITTED FOR AN AMENDMENT TO WATTENBERG LAKES (951) 112 PERMIT.
Overall Reclamation Plan
Eastern Reclamation Plan
Referral Period

Public Notice

<table>
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<th>Notices sent*</th>
<th># of Comments Received</th>
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- Property owners and residents within ½ mile were notified

Public Comments

• Support (63)
  • Economic Factors
  • Application Demonstrates Fairness to Community Concerns

• Concerns/Opposition (61)
  • Environmental Impacts
  • Land Use/Compatibility
  • Economic Factors
  • Loss of Wildlife Habitat
  • Traffic
Referral Period

- City of Brighton issued a letter of support for the project.
- City of Aurora and Aurora Water issued a letter of support for the project.
- Brighton Urban Renewal Authority issued a letter opposing the project.
- Tri-County Health Department, Colorado geological Survey, and Colorado Division of Parks & Wildlife provided comments that were used to draft conditions of approval.
Planning Commission Update

Hearing Dates: January 14, 2021 and February 11, 2021

• Staff/Applicant Presentations
• 20 Members of the Public Spoke at Hearing (included a mixture of support and opposition)
• Important Topics of Discussion
  • Timeframe
  • Impact to Brighton Entry
  • Quality of Design for Impact Mitigation
• Recommended Approval
  • 4-3 vote
PC Recommendation
EXG2020-00001 – Tucson South

Approval of the Tucson South Conditional Use Permit (EXG2020-00001) with:

• 8 Findings-of-Fact
• 7 Conditions Precedent
• 35 Conditions
• 1 Note
**Recommended Conditions Precedent**

1. Evidence shall be provided to the Adams County Environmental Programs Manager that the State of Colorado has approved the groundwater monitoring and mitigation plan for the site that specifically addresses impacts to owners of affected, adjacent, and permitted groundwater wells.

2. Evidence shall be provided to the Adams County Environmental Programs Manager that a Colorado Discharge Permitting System here permit, has been obtained from the Colorado Department of Health & Environment (CDPHE) prior to any site preparation activities.

3. A raptor and bald eagle surveys shall be conducted by a qualified biologist prior to site disturbance, if any grading or construction activity is planned to occur between October 15th and July 31st. The survey reports shall be provided to both Colorado Parks and Wildlife (CPW) and the Adams County Community & Economic Development Department. In the event that a raptor survey identifies additional nests or documents changes in nest activity status, a site plan detailing raptor nest buffer zones and seasonal restrictions (as provided in the most recent CPW guidance document) shall be provided to the Adams County Community & Economic Development Department.
Recommended Conditions Precedent

4. A neighborhood meeting shall be held intended to introduce and distribute contact information for those responsible for mining activities on the site. Notification of the neighborhood meeting will be required for all property owners and residents within 1,000 feet of the subject parcels. Documentation of the meeting (including a meeting summary and a copy of the notification letter) shall be provided to the Adams County Community & Economic Development Department.

5. A conveyor system shall be approved by the County and constructed by the applicant/operator for the transport of materials.

6. A site landscape plan shall be approved by the Adams County Community & Economic Development Department to address the visual impact of the site along public roadways and adjacent residential uses, as well as the site conditions after reclamation has occurred. Adams County will coordinate with the City of Brighton’s Community Development Department during the review of these landscape plans to ensure that conformance is met with both jurisdictions are satisfied with the result.
7. All pre-mining construction tasks and conditions precedent shall be completed by March 9, 2022, unless extended by the Director of Community and Economic Development. Only one extension may be granted for no more than 180 days based upon a hardship statement that will be provided by the applicant or operator. The conditional use permit will expire on September 8, 2022 if a Notice to Proceed has not been issued.
Recommended Conditions

1. The extraction use being granted by this conditional use permit shall not commence until a “Notice to Proceed” is issued by the Adams County Community and Economic Development Department. A Notice to Proceed will only be issued after all conditions precedent of approval are complete.

2. Any operations on the site shall occur from 7:00 a.m. to 7:00 p.m., on Mondays to Saturdays. No operations are permitted on Sundays or within 7:00 p.m. and 7:00 a.m.

3. The operator shall fence gravel pit operations with a fence composed of wood and wire. Where the operation is adjacent to subdivided or developed commercial, residential, or industrial property (except those zoned I-3), a solid screen fence constructed of wood will be erected to prevent the visibility of the mining operation. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until reclamation has been completed.
Recommended Conditions

4. Landscape installation will occur between March 1\textsuperscript{st} and May 15\textsuperscript{th} or September 1\textsuperscript{st} through October 15\textsuperscript{th} after the Notice to proceed is issued. Prior to installing the landscaping, the operator shall work with Adams County staff and City of Brighton staff to determine the location of a future trail along the State Highway 7 corridor. The operator shall install landscaping in a location that will ensure that a trail can be installed in the future, without disturbing the trees and shrubs and other landscaping. The operator shall install an irrigation system to ensure that the plantings are established and maintain the plantings during the mining and reclamation process.

5. All landscape berms and mining operations shall be setback at least fifty (50) feet from the right-of-way along Tucson Street and State Highway 7.

6. Wind gauges with data-logging capabilities shall be installed and located adjacent to the particulate matter monitors.

7. Two (2) continuous, real-time Particulate Matter (PM) monitors must be installed along the southwest and northeast boundary areas of this conditional use permit to provide real-time emissions data for PM-2.5, PM-10 and Total-PM to monitor fugitive dust during all project phases including site preparation and active mining.

8. Radar-activated white noise backup alarms shall be installed for equipment.
9. Aboveground petroleum storage tanks used for equipment fueling must be placed within secondary containment.

10. The mosquito control plan submitted with this application shall be implemented to ensure full compliance.

11. The applicant shall comply with all the requirements specified by the Colorado Department of Natural Resources’ Division of Parks & Wildlife provided in their letter dated September 3, 2020.

12. The applicant shall comply with all the requirements specified by the Tri-County Health Department provided in their letter dated October 9, 2020.

13. The applicant shall comply with all the requirements specified by the Colorado Division of Water Resources provided in their letter dated August 25, 2020.
Recommended Conditions

14. All complaints received by the applicant or operator from a well owner within 600 feet from the site boundary shall be provided to the Adams County Environmental Programs Manager. In addition, it shall be provided what the necessary actions taken to address these impacts. The information shall be provided to the County within 30 days of filing such reports with the Division of Mining & Reclamation Safety (DRMS). For subject wells put to beneficial use prior to commencement of mining activities, the applicant or operator will begin to implement one or more mitigation measures if mining and reclamation activity is determined to be a significant contributing factor to groundwater changes requiring mitigation.

15. All complaints pertaining to off-site impacts shall be provided to the Adams County Environmental Program Manager including a summary of the complaints and resolution methods of such complaints. These documents shall be provided as part of the monthly air monitoring report, as applicable.

16. Fugitive dust control measures must always be functioning to ensure onsite visible emissions do not exceed limits specified within the Air Pollution Control District Construction Permit issued to Aggregate Industries for the Tucson South Pit.
Recommended Conditions

17. Copies of Clean Waters Act 404 Permit (CWA 404) and 401 Water Quality Certification (as required for operations affecting the South Platte River and adjacent riparian wetlands) shall be provided to the Adams County Environmental Programs Manager.

18. Records of high wind speed shutdowns and a summary of shutdown periods shall be provided within each monthly air monitoring report that is submitted to the Adams County Environmental Programs Manager, as applicable.

19. Any documented exceedance of the 24-hour ambient air quality standard for particulate matter shall be provided to the Adams County Environmental Program Manager within 24-hours of such occurrence. Concurrent Air Pollution Control Division notification may be required.

20. Monthly reports detailing particulate matter monitoring shall be provided to the Adams County Environmental Program Manager. Corresponding wind gauge data shall be included within these reports.

21. A copy of each Annual Reclamation Report, as submitted to the DRMS, shall be provided to the Adams County Environmental Program Manager.

22. Stockpiles of material shall not exceed a maximum of twenty (20) feet in height. Stockpiles shall not be stored in the floodway.
Recommended Conditions

23. Operations shall cease during periods of high winds as measured by anemometer or other type of wind gauge permanently stationed on-site. High winds shall be defined as when wind gusts exceed 30 mph, or a sustained wind of 20 mph is detected.

24. Mining and reclamation shall comply with the Mineral Conservation Overlay (MCO) and the section titled Extraction and Disposal Uses found within the Industrial Use Performance Standards, as adopted by Adams County found within the Adams County Development Standards and Regulations.

25. All fluid spills such as hydraulic and oil from maintenance of equipment, shall be removed and disposed of at a facility permitted for such disposal.

26. The storage or processing of materials that are buoyant, flammable, hazardous, explosive, or considered solid waste shall not be allowed within the areas designated as floodplain or floodway.

27. Any new sources of fill material, other than the ones listed within the application, shall require a “Notice to Proceed” to be issued by the Department of Community and Economic Development, after the applicant has certified the cleanliness of the new source material; any proposed haul routes must be approved through an amendment to the conditional use permit.
28. The subsequent reclamation of areas that have been mined must be initiated immediately to keep the total disturbed areas at any one time to a minimum.

29. The mining operations will conform to the phasing plan provided with the application.

30. Materials that are unnecessary for extraction or reclamation shall not be imported into the site without the permission of the Adams County Director of Community and Economic Development.

31. Since the lined water storage reservoirs are components of the post-reclamation project plans, and Tucson Street is proposed to remain a public road. A stability analysis for at least one cross-section under a saturated slope (high pore water pressure)/rapid reservoir drawdown condition across the Tucson Street embankment, shall be performed to verify that the proposed slopes below Tucson Street will be stable under all conditions, or to determine a stable slope configuration.

32. All mining operations, reclamation of sloping, grading, and initial seeding shall be completed within eight (8) years of the Notice to Proceed, but no later than March 9, 2030.
Recommended Conditions

33. Landscaping installation at the time of reclamation shall include a minimum of 100 trees and 200 shrubs. Trees shall be a minimum of five feet in height at the time installation. All landscaping that does not establish after one year will be replaced and expected to establish after one year. Replacement of landscaping that does not establish will be given another year to establish.

34. The trail easement north of the Highway 7 right-of-way shall be recorded prior to March 9, 2030.

35. The proposed trail north of Highway 7 will be designed to include pedestrian and bicycle traffic and measure a minimum of ten feet wide. Any proposed modification to reduce the width will require approval by the Adams County Director of Community & Economic Development.
1. All applicable building, zoning, health, engineering, and fire codes shall be adhered to with this request.
1. The conditional use is permitted in the applicable zone district.
2. The conditional use is consistent with the purposes of these standards and regulations.
3. The conditional use will comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is compatible with the surrounding area, harmonious with the character of the neighborhood, not detrimental to the immediate area, not detrimental to the future development of the area, and not detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the proposed conditional use including adequate usable space, adequate access, and absence of environmental constraints.
7. The site plan for the proposed conditional use will provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are to be available and adequate to serve the needs of the conditional use as designed and proposed.
To: Board of County Commissioners  
From: J. Gregory Barnes, Planner III  
Subject: Tucson South / Case # EXG2020-00001  
Date: March 3, 2021

If the Board of County Commissioners does not concur with the Staff recommendation of Approval, the following findings may be adopted as part of a decision of Denial:

**ALTERNATIVE RECOMMENDED FINDINGS FOR DENIAL**

1. The conditional use is not permitted in the applicable zone district.
2. The conditional use is inconsistent with the purposes of these standards and regulations.
3. The conditional use will not comply with the requirements of these standards and regulations, including but not limited to, all applicable performance standards.
4. The conditional use is incompatible with the surrounding area, not harmonious with the character of the neighborhood, detrimental to the immediate area, detrimental to the future development of the area, and detrimental to the health, safety, or welfare of the inhabitants of the area and the County.
5. The conditional use permit has not addressed all off-site impacts.
6. The site is unsuitable for the proposed conditional use including inadequate usable space, inadequate access, and presence of environmental constraints.
7. The site plan for the proposed conditional use will not provide the most convenient and functional use of the lot including the parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting.
8. Sewer, water, storm water drainage, fire protection, police protection, and roads are not available and adequate to serve the needs of the conditional use as designed and proposed.