

AGGREGATE INDUSTRIES – WCR, Inc.
TUCSON SOUTH RESOURCE
ADAMS COUNTY, COLORADO
CONDITIONAL USE PERMIT APPLICATION

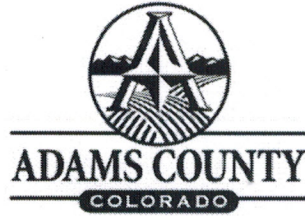
July 30, 2020

PREPARED FOR:

AGGREGATE INDUSTRIES – WCR, INC.
1687 Cole Boulevard, Suite 300
Golden, Colorado 80401

PREPARED BY:

AGGREGATE INDUSTRIES – WCR, INC.
1687 Cole Boulevard, Suite 300
Golden, Colorado 80401



CONDITIONAL USE PERMIT

Application submittals must include all documents on this checklist as well as this page. Please use the reference guide (pgs. 3-4) included in this packet for more information on each submittal item.

All submittals shall include one (1) hard copy of all documents and one (1) electronic copy with all documents combined in a single PDF. For hard copies, each document shall be labeled or tabbed with the corresponding checklist number.

- 1. Development Application Form (pg. 5)
- 2. Application Fees (see pg. 2)
- 3. Written Explanation of the Project
- 4. Site Plan Showing Proposed Development
- 5. Proof of Ownership (warranty deed or title policy)
- 6. Proof of Water and Sewer Services
- 7. Proof of Utilities (e.g. electric, gas)
- 8. Legal Description
- 9. Certificate of Taxes Paid
- 10. Certificate of Notice to Mineral Estate Owners/and Lessees (pg. 7)
- 11. Certificate of Surface Development (pg. 8-10)

Supplemental Items (if applicable) *Contact County staff for supplemental forms

- 1. Traffic Impact Study
- 2. Neighborhood Meeting Summary
- 3. Solid waste transfer station*
- 4. Solid waste composting facility*
- 5. Scrap tire recycling facility*
- 6. Inert fill*

Application Fees	Amount	Due
Conditional Use Permit	\$1,000 (\$300 per additional residential request/ \$500 per additional non-residential)	With application submittal
Tri-County Health *made payable to Tri-County Health	\$360	With application submittal

Conditional Use-Guide to Development Application Submittal

The submittal documents for all Land Use/Development Applications are listed below. Detailed explanations of the submittal documents are also provided.

All development application submittals shall comprise of one (1) electronic copy (USB or CD) and one (1) hard copy of each document. **Application submittals that do not conform to these guidelines shall not be accepted.**

3. Written Explanation:

- A clear and concise, yet thorough, description of the proposal. Please include, if applicable, timeframe, purpose of project, and improvements that will be made to the site.

4. Site Plan:

- A detailed drawing of existing and proposed improvements.
- Including:
 - Streets, roads, and intersections
 - Driveways, access points, and parking areas
 - Existing and proposed structures, wells, and septic systems,
 - Easements, utility lines, and no build or hazardous areas
 - Scale, north arrow, and date of preparation
- An Improvement Location Certificate or Survey may be required during the official review

5. Proof of Ownership:

- A deed may be found in the Office of the Clerk and Recorder.
- A title commitment is prepared by a professional title company.

6. Proof of Water:

- A written statement from the appropriate water district indicating that they will provide service to the property **OR** a copy of a current bill from the service provider.
- Well permit(s) information can be obtained from the Colorado State Division of Water Resources at (303) 866-3587.

Proof of Sewer:

- A written statement from the appropriate sanitation district indicating that they will provide service to the property **OR** a copy of a current bill from the service provider.
- A written statement from Tri-County Health indicating the viability of obtaining Onsite Wastewater Treatment Systems.

7. Proof of Utilities (Gas, Electric, etc):

- A written statement from the appropriate utility provider indicating that they will provide service to the property.
- Copy of a current bill from the service provider.

8. Legal Description:

- Geographical description used to locate and identify a property.
- Visit <http://gisapp.adcogov.org/quicksearch/> to find the legal description for your property.

9. Proof of Taxes Paid:

- All taxes on the subject property must be paid in full. Please contact the Adams County Treasurer's Office.
- Or <http://adcogov.org/index.aspx?NID=812>

10. Certificate of Notice to Mineral Estate Owners/ Certificate of Surface Development:

- The State of Colorado requires notification to mineral rights owners of applications for surface development (i.e. zoning, plats, etc.)
- Mineral or Surface right owners may be found in the title commitment for the subject property

- You may also search the Office of the Clerk and Recorder for any recorded deeds, easements, or other documents

SUPPLEMENTAL:

1. Preliminary Traffic Impact Study:

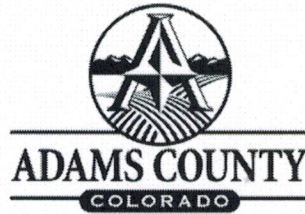
- This shall include, but not limited to:
 - Trip generation estimates from the development,
 - Current traffic counts,
 - Projected future traffic counts to include background traffic projections and future traffic projections from the development.
 - A description of the traffic impacts that the development will have on the surrounding area.

Final Traffic Study:

- Shall have all of the information contained in a Preliminary Traffic Impact Study and it shall also include recommendations on how to mitigate the traffic impacts that are caused by the development. (See chapter 8 for full description of requirements).

2. Neighborhood Meeting Summary:

- Please refer to Section 2-01-02 of the Adams County Development Standards and Regulations for the specific requirements regarding time, location, and notice
- A written summary shall be prepared including the materials submittal presented at the meeting, any issues identified at the meeting, and how those issues have been addressed



DEVELOPMENT APPLICATION FORM

Application Type:

<input type="checkbox"/> Conceptual Review	<input type="checkbox"/> Preliminary PUD	<input type="checkbox"/> Temporary Use
<input type="checkbox"/> Subdivision, Preliminary	<input type="checkbox"/> Final PUD	<input type="checkbox"/> Variance
<input type="checkbox"/> Subdivision, Final	<input type="checkbox"/> Rezone	<input checked="" type="checkbox"/> Conditional Use
<input type="checkbox"/> Plat Correction/ Vacation	<input type="checkbox"/> Special Use	<input type="checkbox"/> Other: _____

PROJECT NAME:

APPLICANT

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

OWNER

Name(s): Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

TECHNICAL REPRESENTATIVE (Consultant, Engineer, Surveyor, Architect, etc.)

Name: Phone #:

Address:

City, State, Zip:

2nd Phone #: Email:

DESCRIPTION OF SITE

Address: 16202 Tucson Street (all parcels listed below)

City, State, Zip: Brighton, CO 80601

Area (acres or square feet): 285 acres

Tax Assessor Parcel Number: 0157101300002, 0157101000016, 0157101300001, 0157101000028, 0157101200010, 0157101002001, 0157101100002, 0157101000033, 0157101000034, 0157101000035, 0157101000017, 0157101000016

Existing Zoning: A-1

Existing Land Use: Agriculture

Proposed Land Use: Sand and gravel mine; water storage

Have you attended a Conceptual Review? YES NO

If Yes, please list PRE#: 2020-00030

I hereby certify that I am making this application as owner of the above described property or acting under the authority of the owner (attached authorization, if not owner). I am familiar with all pertinent requirements, procedures, and fees of the County. I understand that the Application Review Fee is non-refundable. All statements made on this form and additional application materials are true to the best of my knowledge and belief.

Name: Chance Allen

Date: 7/27/2020

Owner's Printed Name

Name: 

Owner's Signature

CERTIFICATION OF NOTICE TO MINERAL ESTATE OWNERS

I/We, Aggregate Industries-HCR, Inc
(the "Applicant") by signing below, hereby declare and certify as follows:

With respect to the property located at:

Physical Address: see attached

Legal Description: see attached

Parcel #(s): see attached

(PLEASE CHECK ONE):

_____ On the _____ day of _____, 20____, which is not less than thirty days before the initial public hearing, notice of application for surface development was provided to mineral estate owners pursuant to section 24-65.5-103 of the Colorado Revised Statutes;

or

_____ I/We have searched the records of the Adams County Tax Assessor and the Adams County Clerk and Recorder for the above identified parcel and have found that no mineral estate owner is identified therein.

Date: _____ Applicant: _____

By: _____

Print Name: _____

Address: _____

STATE OF COLORADO)

)

COUNTY OF ADAMS)

Subscribed and sworn to before me this _____ day of _____, 20____, by

Witness my hand and official seal.

My Commission expires: _____

Notary Public

After Recording Return To:

Name and Address of Person Preparing Legal Description:

A recorded copy of this Certification shall be submitted to the Adams County Community and Economic Development Department with all applicable land use applications.

APPLICANT'S CERTIFICATION CONCERNING QUALIFYING SURFACE DEVELOPMENT,
PURSUANT TO C.R.S. §24-65.5-103.3 (1)(b)

I/We, Aggregate Industries - NCR, Inc
_____, (the "Applicant") by signing below, hereby declare and certify as follows:

Concerning the property located at:

Physical Address: See attached map

Legal Description: See attached

Parcel #(s): See attached map

With respect to qualifying surface developments, that (PLEASE CHECK ONE):

_____ No mineral estate owner has entered an appearance or filed an objection to the proposed application for development within thirty days after the initial public hearing on the application; or

_____ The Applicant and any mineral estate owners who have filed an objection to the proposed application for development or have otherwise filed an entry of appearance in the initial public hearing regarding such application no later than thirty days following the initial public hearing on the application have executed a surface use agreement related to the property included in the application for development, the provisions of which have been incorporated into the application for development or are evidenced by a memorandum or otherwise recorded in the records of the clerk and recorder of the county in which the property is located so as to provide notice to transferees of the Applicant, who shall be bound by such surface use agreements; or

_____ The application for development provides:

- (i) Access to mineral operations, surface facilities, flowlines, and pipelines in support of such operations existing when the final public hearing on the application for development is held by means of public roads sufficient to withstand trucks and drilling equipment or thirty-foot-wide access easements;
- (ii) An oil and gas operations area and existing well site locations in accordance with section 24-65.5-103.5 of the Colorado Revised Statutes; and
- (iii) That the deposit for incremental drilling costs described in section 24-65.5-103.7 of the Colorado Revised Statutes has been made.

Date: _____ Applicant: _____

After Recording Return To:

By: _____
Print Name: _____
Address: _____

NOTICE TO MINERAL ESTATE OWNERS

Aggregate Industries-WCR, Inc., 1687 Cole Blvd, Suite 300 Golden, CO 80401, 303-985-1070, has filed an application for a Conditional Use Permit in Adams County, Colorado for extraction of sand and gravel deposits pursuant to DRMS Permit M-2004-044, as amended. The proposed mine is known as the Tucson South Resource, and is located at or near Sections 1 and 12, Township 1 South, Range 67 West, 6TH Prime Meridian.

The proposed date of commencement of mining operations is January 2021, and the anticipated date of completion is January 2029. The proposed future use of the land is lined municipal water storage reservoirs and upland meadow. The initial public hearing will be the Adams County Planning Commission. The time and place is still to be determined. Additional information may be obtained by contacting the applicant at the information below:

Attn: Chance Allen
Regional General Manager
1687 Cole Blvd Suite 300
Golden, CO 80401
Chance.Allen@lafargeholcim.com
303-985-1070

Please see the attached map and legal descriptions of the property.



Legend

- Highways (5,000 - 10,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Parcels
- County Boundary

1: 8,755



0.3 0 0.14 0.3 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

TUCSON SOUTH RESOURCE
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 285 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 234.2 acres.

The Permit Boundary is comprised of two distinct mining areas separated by Tucson Street, the Tucson Street right-of-way and the portion of the off-site conveyor route located within Adams County. Acreage within the Permit Boundary (excluding conveyor route easements and Tucson St. ROW) is summarized as follows:

- West - Phase 1, 137.6 acres, Tracts A, B, C, K, located north of State Highway 7 and west of Tucson Street;
- East - Phase 2, 139.4 acres, Tracts D, E, F, G, H, M, located north of State Highway 7 and east of Tucson Street;

The tracts that will be mined within the Permit Boundary are owned by Aggregate Industries-WCR, Inc., and the City of Aurora. The preferred conveyor route crosses a parcel owned by the City of Aurora. The optional 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 $\frac{1}{2}$ of Section 1, the NE $\frac{1}{4}$ of Section 1 and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, of Section 12, Township 1 South, Range 67 West of the Sixth Principal Meridian, Adams County, State of Colorado.

Latitude/Longitude of main entrance:

39.99007° N
104.83759° W

Tract Specific Legal Descriptions

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 $\frac{1}{4}$ 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. 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 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 $89^{\circ}39'53''$ WEST 2445.14 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH $00^{\circ}06'03''$ 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 $69^{\circ}36'00''$ 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 $00^{\circ}06'03''$ 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 $70^{\circ}16'26''$ 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 $73^{\circ}16'48''$ 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 $00^{\circ}10'30''$ EAST 108.13 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 TO 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.

Contact Name	Address	City	State	Zipcode
Aggregate Industries-WCR, Inc.	1687 Cole Boulevard, Suite 300	Golden	CO	80401
City of Aurora	15151 East Alameda Parkway	Aurora	CO	80012-1555
David L. Morrison & Penelope E. Morrison	15447 East 108th Avenue	Commerce City	CO	80022
Estate of Joseph C. Stone, a/k/a Joseph Carl Stone, Deceased, c/o Joseph J. Stone	14709 East 135th Avenue	Brighton	CO	80601
Great Western Operating Company, LLC	1801 Broadway, Suite 500	Denver	CO	80202
Grizzly Petroleum Company, LLC	1801 Broadway, Suite 500	Denver	CO	80202
Haake Farms, Inc.	4381 County Road U	Wiggins	CO	80654
Kerr-McGee Oil & Gas Onshore, LP	1201 Lake Robbins Drive	The Woodlands	TX	77380
Leonard C. Leon & Lydia E. Leon, as joint tenants	13115 East 160th Avenue	Brighton	CO	80601
Margaret Sorenson	46181 Foxwood Drive	Elizabeth	CO	80107
Mark Samford	3175 Indigo Bay Drive	Gilbert	AZ	85234
Mary Ann Kloefkorn & the Estate of John L. Kloefkorn, deceased	1015 North Texas Boulevard, Unit 20B	Weslaco	TX	78596
Mary Hogue	9704 Spring Hill Street	Littleton	CO	80129
Richard L. Getz & Beverly L. Getz	1339 Harbour Drive	Mesquite	NV	89027
Royalty Asset Holdings, LP	5956 Sherry Lane, Suite 1221	Dallas	TX	75225

**AGGREGATE INDUSTRIES – WCR, INC
TUCSON SOUTH RESOURCE
CONDITIONAL USE PERMIT APPLICATION
PROJECT DESCRIPTION**



JULY 30, 2020

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.

SUMMARY OF REVISED PERMIT APPLICATION

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.

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TUCSON SOUTH RESOURCE CONDITIONAL USE PERMIT PROJECT DESCRIPTION

SECTION A

INTRODUCTION AND OVERVIEW

The Tucson South Resource CUP Area is owned by Aggregate Industries and the City of Aurora and consists of a dryland field¹, a small, partially reclaimed gravel resource and a former residence. The property is located north of Colorado Highway 7, and is bisected by Tucson Street (the “Property”).

There are few productive uses of the Property that are compliant with requirements of the flood control and natural resource overlay districts, the County’s mineral extraction plan, and the dry up agreement with Todd Creek Farms Metropolitan District, which removed access to historic water rights for irrigation of crops, and that are congruent with the future land use designation, all while providing for utilization and enjoyment of the rural environment. Mineral extraction and reclamation as water storage facilities, however, is one such use.

The mineral deposits at the Property, which were evaluated and determined to be viable commercial deposits, are a valuable commodity for the community, providing a vital source of construction materials to meet ever-increasing demand throughout Adams County and the region. Further, the mining operations will provide direct and indirect employment opportunities.

The mining and reclamation plan to recover this valuable resource was revised after extensive public engagement to limit the duration to eight (8) years after conveyor installation is completed, with mining operations conducted from 7:00 am to 7:00 pm, Monday through Saturday, no mining operations on Sundays and no truck transportation of mined material. Additionally, Aggregate Industries is providing enhanced mitigation of external impacts to ensure compatibility and harmony with the surrounding area and committing to no requested extensions of the CUP permit.

The end result will be a future use of the Property as water storage facilities and upland meadow. These permitted uses in the flood control district, provide a long-term benefit to wildlife and the community, increase the natural resource protection factor of the Property pursuant to the natural resource overlay district requirements, and continue the utilization and enjoyment of the rural environment.

¹ While zoned A-1 which allows for agricultural uses, due to the dry-up agreement with Todd Creek Farms Metropolitan District covering the entire west cell, there are no historic irrigation water rights available for a typical agricultural use of this property.

CUP AREA DESCRIPTION

The proposed CUP Area contains the following tracts of land as shown on Sheet 1 of the Conditional Use Site Plan (the “Site Plan”):

- Tracts of land owned by Aggregate Industries referred to on the Site Plan as Tracts A, B, D, E, F, H and M.
- Tracts of land owned by the City of Aurora referred to on the Site Plan as Tracts C, G and K².
- Tucson Street right-of-way referred to on the Site Plan as Tract L.
- Land owned by the City of Thornton referred to on our maps as Tract M. (Note: Aggregate Industries is working with the landowner to obtain a right-of-way easement for a conveyor on this tract).
- Land owned by the City of Aurora referred to on our maps as Tract N. (Note: This tract is the preferred option for the conveyor route. Aggregate Industries is working with landowners to obtain right-of-way easements for the conveyor following this path).

EXISTING LAND USES OF THE PROPERTY

The Property, where the proposed CUP Area is located is zoned A-1 and is also part of the flood control and natural resource overlay districts, and is subject to the County’s mineral extraction plan. The current Property uses consist of dryland field, one unoccupied house, a former greenhouse growing operation and a parcel of land from a previously permitted mining operation.

The former greenhouse growing operation was demolished by the City of Aurora in preparation for mining. Aggregate Industries will remove the vacant house prior to start-up of mining operations. The United Power overhead electric line on the west side of the West parcel will also be removed in accordance with the agreement with United Power.

² Tract K will be used as a staging area for the slurry wall construction, only.

Onsite improvements owned by Aggregate Industries or other property owners that are located within the CUP Area such as unimproved roads, fences, alluvial water wells and associated pumps, houses and outbuildings, and irrigation ditches and laterals, may be removed or relocated during mining and reclamation. Structures, easements, or rights-of-ways not owned by the Applicant or other property owners will not be disturbed without prior permission (see Site Plans). None of the easements, rights-of-ways, or associated structures are expected to be in conflict with mining or reclamation operations.

There are two established oil and gas wells and associated facilities located on the Property. The operator of the well on the west parcel capped and abandoned the well in 2019. The other well, located on the east parcel, is not located in close proximity to and will not interfere with Aggregate Industries' proposed mining operations.

ADJACENT LAND USES

Adjacent land uses relative to compatibility with the proposed use are summarized in Table 1 below. Please see the Conditional Use Permit Approval Criteria following in Section B for a complete analysis of the project's compatibility and harmony with the surrounding area. Please also see **Supplemental Materials 16 (S16)** for a color-coded map showing the adjacent properties' zoning.

TABLE 1 – ADJACENT LAND USES

Location	Existing Zoning	Current Uses	Compatibility
North Boundary East of Tucson Street	Heavy Industrial I-3 District and Agricultural A-1 District	City of Thornton Tucson Resource Pit (water storage facility) and a single family dwelling	Proposed use will be compatible with higher intensity I-3 use. In addition, a buffer parcel, setbacks, operational limits and engineering controls will assure compatibility with the A-1 use.
North Boundary West of Tucson Street	Agricultural A-1 District	City of Aurora Challenger Pit (storage facility)	Proposed use will be compatible with similar Challenger Pit use. Applicant is working with Aurora on Conveyor Easement for proposed use.
West Boundary	Agricultural A-1 District	City of Aurora Storage Pump Station and Electricity Power Substation	Proposed use is limited to the East side of Brighton Ditch and will be compatible with adjacent Aurora and United Power uses.
South Boundary	Bounded by Highway 7. Beyond Highway 7, A-1 and C-1 Districts exist	Adjacent Major Arterial Highway	Presence of Highway 7, berms, installation of landscaped trail, living screen along South Boundary in addition to the donation of South Parcel will adequately buffer proposed use and assure compatibility with adjacent A-1 and C-1 uses.
East Boundary	Agricultural A-1 District	South Platte River Open Space	Compatibility assured through mining setbacks from open space area and native plantings. Beyond the Open Space Corridor Highway 85 will provide additional buffer.

FINAL PROPOSED LAND USES OF THE PROPERTY

The proposed final land use for the Property is lined municipal water storage for the West cell and the majority of the East cell, with upland meadow on the northern portion of the East cell. Adjacent land uses, as discussed above include: water storage to the north, rural residential and agriculture to the south, City of Brighton wildlife conservation area and the South Platte River to the east, and water storage and a United Power substation to the west.

As discussed below, the lined water storage and upland meadows future uses are permitted uses in the flood control district, are congruent with the future land use designation for the Property and are compatible with existing adjacent land uses and the surrounding area. These future uses of the Property also provide an increased natural resource protection factor for the Property, and a long-term benefit to wildlife and the community while maintaining the Property in a condition that allows for utilization and enjoyment of the rural environment.

SECTION B

CONDITIONAL USE PERMIT APPROVAL CRITERIA

Section 2-02-09-06 of the Adams County Development Standards and Regulations (the “Development Standards”) contains the approval criteria for all conditional use permit applications in Adams County.

Aggregate Industries has reviewed Section 2-02-09-06 of the Development Standards and is confident this Application meets all criteria as discussed below.

1. Permitted in the Zone District

The Property is located in the A-1 Zone District. Section 3-08-04-05(1) of the Development Standards permits Extraction and Disposal Uses in the A-1 Zone District with an approved conditional use permit, and Section 11-02-198 of the Development Standards includes “mining” in the definition of “Extraction and Disposal Uses.” Therefore, the Project is a permitted use of the Property with an approved conditional use permit. Accordingly, the Application satisfies this criterion.

2. Consistency with the Purposes of the Adams County Development Standards and Regulations

Section 1-01-03 of the Development Standards states that the general purpose and intent of the Development Standards is to “assist in the orderly, efficient, and integrated development of the County” by “divid[ing] the unincorporated area of the County into zone districts” in order to “designate, regulate and restrict the location of uses.” Section 3-08-01 of the Development Standards provides that the A-1 Zone District is “primarily designed for the utilization and enjoyment of the County’s rural environment”, while Section 2-02-08 of the Development Standards provides the purpose for conditional use permits in Adams County and states, “[c]onditional uses are those uses which are presumptively compatible with other land uses authorized or permitted in a zone district, but, if approved, which require more discretionary review than those uses which are authorized.” As a permitted conditional use in an A-1 zone district that appropriately utilizes the rural environment, the proposed mining and reclamation uses are consistent with these Development Standards and the Application satisfies this criterion through the CUP discretionary review process.

The Property is also subject to, and the Application is consistent with, the Adams County Mineral Extraction Plan, which was established by the County in response to the passage of C.R.S. § 34-1-301 et seq. Specifically, C.R.S. § 34-1-301 requires all populous counties of the State of Colorado, which includes Adams County, to develop a rational plan for extraction of commercial mineral deposits because such commercial mineral deposits are essential to the State of Colorado's economy. Accordingly, Adams County adopted the Adams County Mineral Extraction Plan on March 28, 2005 as its rational plan for extraction of commercial mineral deposits.

Page 5 of the Sand, Gravel and Quarry Aggregate Resources Map, which is codified within the Adams County Mineral Extraction Plan, shows that the Property is located in the F-4 Zone, which is defined as "Floodplain Deposit" with "Probable Aggregate Resource". Additional site-specific evaluations completed by Aggregate Industries identified these deposits as a viable commercial mineral deposit that includes many million tons of quality, salable aggregate. This commercial mineral deposit has significant economic value to the community, and will be mined and reclaimed in a manner that protects natural resources while providing for concurrent rehabilitation of mined land, and so the Application meets this criterion. Please see **Supplemental Materials 17 (S17)** for a copy of the Adams County Mineral Conservation Overlay Map.

The Application is also consistent with the stated purpose of the Natural Resources Conservation Overlay District, pursuant to Section 3-39-01 of the Development Standards, which is to "(1) provide for the protection of natural, wildlife, agricultural, and cultural resources, which are an essential component of the community's economic base and establish the character of the community; and (2) preserve and enhance the quality of life for County residents." Specifically, the proposed mining operation and reclamation of the Property will,

- Conserve environmentally sensitive areas, provide water habitat for migrating birds and preserve areas as upland meadow for other species. Please see the Biological Resources Inventory Report attached to this application as **Supplemental Materials 10 (S10)** for more details.
- Separate and define urban areas as it will prevent future development of the Property, creating a separation between urban downtown Brighton and rural agricultural areas west of the City of Brighton.
- Prevent urban nuisance complaints as it will separate the rural, agricultural areas from future residential or commercial development.
- Limit the extension of services and infrastructure that would be costly as the proposed mining and water storage uses do not require water and sewer services.
- Preserve environmentally sensitive areas by creating ponds and upland meadow, which will be used by wildlife.
- Prevent the spread of urban growth and eliminate the potential for future residential and commercial development, thereby preserving the rural character and environmentally sensitive areas.

Further, the Application is consistent with the Flood Control Overlay District stated purpose under Section 3-37-01 of the Development Standards, which is to “establish reasonable limitations and controls of land uses within the 100-year floodplain. Mineral extraction and water storage facilities are permitted uses for which Aggregate Industries has obtained a Floodplain Development Permit. As shown on the Adams County Floodplain map, much of the Property is in the floodway and essentially undevelopable, while the remainder is in the floodplain, which restricts development of the Property for many otherwise permitted A-1 uses. Please see the attached **Supplemental Materials 18 (S18)** for a copy of the Adams County Floodplain map overlain on the Tucson South permit area.

Lastly, the Application is also consistent with the Imagine Adams County Comprehensive Plan adopted in December 2012 (the “Comprehensive Plan”). The “Resource Extraction” section found on page 43 of the Comprehensive Plan states, “Adams County contains sand, gravel, coal, oil and gas resources. The extraction of these resources contributes to the local economy, providing employment to County citizens and tax income to the government. Mining contributes to a healthy economy as readily available local sources lower the cost of shipping materials used in construction or to provide essential fuels.” Accordingly, Policy 7.5 of the Comprehensive Plan is to “Establish Regulations for Resource Extraction” and “[p]rovide for the extraction of subsurface resources in accordance with State law, but require mitigation of undesirable impacts to the natural environment and community as well as plans for viable potential reuse of land.” As explained below, the Project will implement a variety of control measures to ensure the Project mitigates undesirable impacts to the natural environment and therefore, is consistent with the Comprehensive Plan’s goal of proper mineral extraction.

As discussed above, the Project is not only consistent with the purpose and intent of the Development Standards but it also furthers the goals and intent of the Adams County Mineral Extraction Plan and the Comprehensive Plan by extracting commercially-viable mineral resources and ensuring adequate reclamation of the same, a defined priority under Colorado statutory law, and therefore, the Application satisfies this criterion.

3. Compliance with the Adams County Development Standards and Regulations and applicable Performance Standards

As referenced throughout this application, Aggregate Industries is committed to complying with all applicable sections of the Development Standards. Additionally, as explained below in Section C - Performance Standards Approval Criteria, the Project will comply with all applicable performance standards contained in the Development Standards. Accordingly, the Application satisfies this criterion because it will comply with all applicable Development Standards and Performance Standards.

4. Compatibility and Harmony with the Surrounding Area

Section 2-02-09-06 of the Development Standards states that all conditional uses must be “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.”

As discussed above, the Property is surrounded by mostly undeveloped agricultural land and water storage facilities with a few adjacent residential uses, and is also located within a floodway and floodplain. The surrounding area consists of the Todd Creek Neighborhood to the west; the South Platte River, the westernmost part of Brighton and State Highway 85 to the east; more Adams County A-1 Zone district uses to the south; and Weld County agricultural uses to the north.

Aggregate Industries has developed a mining and reclamation plan that is consistent with the Adams County and City of Brighton Comprehensive Plans, including the future land use designation of the Property, and is proposing the following enhanced mitigation measures to ensure compatibility and harmony with the surrounding area during mining and reclamation:

- No onsite processing plants to eliminate potential noise, fumes, dust and traffic.
- Use of a conveyor to totally eliminate truck hauling traffic and road wear.
- Seeded screening berms and decorative plantings to protect views along Highway 7³.
- Setbacks that exceed the minimum requirements from adjacent properties and the South Platte River corridor.
- Limited hours of operation: Monday – Saturday, 7am -7pm, with no Sunday operations.
- Limited timeframe for mining and reclamation with no requested extensions.
- Noise mitigation measures, such as berms, living screen and operating below grade.
- Concurrent reclamation of mined portions of the Property.
- Enhanced air quality monitoring and reporting to Adams County.
- Trail construction and trail easement dedication to the City of Brighton or Adams County Open Space during reclamation⁴.
- Donation of the South Parcel for open space.
- Preservation of environmentally sensitive areas.

³ To the extent possible, Aggregate Industries intends to relocate healthy, mature trees from the active mining area to the setback area between the South Platte River and the East cell.

⁴ Ownership and maintenance of the easement by either Adams County or City of Brighton will be finalized prior to approval of the permit.

These mitigation measures will ensure that the potential impacts of a typical sand and gravel mining operation, including but not limited to, noise, dust and traffic are mitigated to provide compatibility with the surrounding area. Accordingly, the Application satisfies this criterion because the majority of the area adjacent to the Property is undeveloped - agricultural land and water storage - and impacts to the surrounding residential uses will be sufficiently mitigated to maintain harmony between the proposed use and these uses.

5. Off-Site Impacts

Aggregate Industries has worked with Adams County staff and community stakeholders to address all potential off-site impacts and will continue to do so throughout the CUP application process. Potential impacts and mitigation measures are described below.

- Utilities and Resources - No adverse impacts are expected as utility needs are minimal for the proposed use.
- Traffic and Roads – No offsite material hauling from the Property will occur. Traffic analysis of traffic due to onsite workforce travel to the Property indicated no increase in regional road traffic. Please see **Supplemental Materials 01 (S01)** for a copy of the 2020 Trip Generation Analysis prepared by Kimley-Horn Associates.
- Haul Routes- No hauling from the Property will occur and no changes in haul routes from the Platte Valley processing facility will occur. All hauling of processed aggregate will be from the existing Platte Valley facility in Weld County with controls in place to assure trucks avoid downtown Brighton.
- Environmental – Potential air quality, noise and vibration impacts will be mitigated to the maximum extent possible as discussed in detail in following sections.
- View sheds – Aggregate Industries will install screening berms along the south side of the West cell and will install a living screen consisting of native plantings along the south side of the East cell.

Accordingly, the Application satisfies this criterion because it has addressed, and implemented mitigation measures for all potential off-site impacts.

6. Site Suitability with the Conditional Use

The Property is suitable for the Project because it provides adequate usable space, adequate access, and does not contain environmental constraints that would otherwise prohibit the Project. Specifically, the Property is large enough that it can be mined and still provide setbacks from the Project boundaries that are generally greater than 30 feet wide. Additionally, the Property is close enough in proximity to Aggregate Industries' Wattenberg Lakes Resource that all of the aggregate resource mined on the Property can be transported to the Wattenberg Lakes Resource site via overland conveyors. Accordingly, the Application satisfies this criterion because of the size of the Property and proposed site design.

7. Site Plan Convenience and Functionality

The site plan for the Project provides the most convenient and functional use of the Property. Specifically, this criterion focuses on parking scheme, traffic circulation, open space, fencing, screening, landscaping, signage, and lighting. The Project does not necessitate parking schemes or traffic circulation, but does include fencing, screening, landscaping and lighting in a manner that optimizes the functionality of the Property while still protecting the adjacent and surrounding properties from the negative impacts associated with the Project. Upgraded fencing will be used in consultation with the County and stakeholders, including the City of Aurora, to assure both an aesthetically pleasing and code compliant fence material is used. The Project's site plan identifies screening, landscaping and fencing, which meets requirements of the Development Standards and effectively utilizes the Property for the Project. Accordingly, the Application satisfies this criterion because it optimizes the convenience and functionality of the Property.

8. Availability and Adequacy of Necessary Services

This criterion serves to ensure that necessary services including, sewer, water, storm water drainage, fire protection, police protection, and roads, are available and adequate to serve the needs of the Project. The subject application based on its limited scope will have inherently low impact on utility and other community services and therefore satisfies this requirement. Please see **Application Materials 07 (A07)** for a copy of the will serve letter from United Power to service this project.

SECTION C

PERFORMANCE STANDARDS APPROVAL CRITERIA

The Development Standards require that all conditional use permits comply with general and specific performance standards.

General Performance Standards

Section 4-10-1-01-02 provides that the Project must comply with the following general performance standards: (1) fencing, walls and screening; (2) parking; (3) signage; (4) weeds and offending vegetation; (5) site design considerations; (6) operational standards; (7) off-road utility, dumpster, recycling, and trash handling facilities; and (8) off-premise signs (collectively, the “General Performance Standards”). The proposed use will meet each of these general standards as depicted on the site plan and discussed below:

As shown on the Project’s site plan and discussed below, Aggregate Industries is committed to, and has designed the Project in a manner that satisfies all of the General Performance Standards.

1. Adequate fencing and screening will be installed per the site plans and is described in more detail above under “Off-Site Impacts”.
2. Parking will be sufficient for five to six employees who will be assigned to this site.
3. Signage will be provided at the site entrance indicating the site name, DRMS permit number, site manager phone number and the dust hotline number.
4. Weeds and offending vegetation will be maintained according to the Weed Management Plan (see **Supplemental Materials 11 (S11)** for a copy of the Weed Management Plan).
5. Site Design Considerations – please see the Mining Plan Section below for a more detailed description of design considerations.
6. Operational Standards – please see the Mining Plan Section below for a more detailed description of operational standards.
7. Off-road utility, dumpster, recycling and trash handling facilities will be provided for this site.
8. Off-premise signs will be maintained for this facility.

Accordingly, the Application satisfies this criterion.

Specific Performance Standards

Section 4-10-02-03-01 of the Development Standards requires all conditional use permits for extraction uses, which includes the Project, to comply with the following specific performance standards: (1) compliance with the Colorado Department of Natural Resources; (2) site size; (3) blasting hours; (4) stagnant water; (5) plan for development of the site; (6) standards of the MCO Zone District; and (7) recreational prospecting in creeks and rivers (collectively, the “Specific Performance Standards”).

The proposed use will meet each of the specific performance standards as depicted on the site plan and or discussed below:

1. Compliance with the Colorado Department of Natural Resources

As discussed below in the Adams County Review Criteria, Section 3-38-06 Operation and Rehabilitation Standards for all Mining Operations Section, there is already an existing state mining permit for the Property, which Aggregate Industries is in the process of amending to remove the South Parcel. The amendment will be approved by the State prior to approval of this Application. Accordingly, the Application satisfies this criterion.

2. Site Size

As discussed above and as shown on the Project’s site plan, the Property is of sufficient size and dimensions to accommodate the proposed operations. Specifically, the Property is large enough to extract the necessary aggregate resources while still providing buffering and setbacks that exceed the requirements contained in the Development Standards. Accordingly, the Application satisfies this criterion.

3. Blasting Hours

The Project will not utilize blasting. Accordingly, the Application satisfies this criterion because it is inapplicable.

4. Stagnant Water

Aggregate Industries is committed to spraying breeding places of mosquitoes and other insects and/or draining stagnant water to prevent the creation of such breeding places. Accordingly, the Application satisfies this criterion. Please see **Supplemental Materials 19 (S19)** attached to this application for Aggregate Industries’ Mosquito Control Plan.

5. Plan for Development of the Site

As discussed below in the Mining Plan Section and Reclamation Section, the Project includes a plan for the mining phases and the reclamation phase that will be approved as part of this application. Accordingly, the Application satisfies this criterion.

6. Standards of the MCO Zone District

As discussed below in the Adams County Review Criteria, Section 3-38-06 Operation and Rehabilitation Standards for all Mining Operations Section, the Project will meet all standards of the MCO Zone District. The Adams County Mineral Extraction Plan designates this area as an F4 deposit (unevaluated). Additional site-specific evaluations completed by Aggregate Industries have identified a viable deposit that includes many million tons of quality, salable aggregate on the property. The aggregate on this site is clearly a Commercial Mineral Deposit and has significant economic value to the community. The Adams County Mineral Resource Conservation Overlay District was specifically established to protect valuable, sand and gravel resources within Adams County. The district contemplates extraction of sand and gravel subject to specific performance standards. Accordingly, the Application satisfies this criterion.

7. Recreational Prospecting in Creeks and Rivers

The Project does not contemplate recreational prospecting in creeks or rivers. Accordingly, the Application satisfies this criterion because it is not applicable.

SECTION D

ADAMS COUNTY REVIEW CRITERIA, SECTION 3-38-06 OPERATION AND REHABILITATION STANDARDS FOR ALL MINING OPERATIONS

3-38-06-01 MINING PERMIT REQUIRED

All mining operations shall have a permit to excavate issued by the State of Colorado prior to beginning mineral extraction.

Please see the enclosed **Supplemental Materials 03 (S03)** for a copy of the Colorado Division of Reclamation Mining and Safety (DRMS) permit issued for this site. Aggregate Industries received this permit on February 5, 2007. The permit was amended in 2019 and the amended permit was approved on November 20, 2019. Aggregate has submitted a Technical Revision request to the Division to remove the area known as the “South Parcel” from the permit boundary. This is expected to be approved by August 31, 2020. For additional information on the mine plan, please see the following sections below.

MINING PLAN

Mine Phasing

Aggregate Industries anticipates mining and reclaiming the proposed Tucson South Resource site within a period not to exceed 8 years. The rate of mining and overall life of the mine is dependent on several factors including product demand, but mining and reclamation will not extend past 8 years regardless of external and economic factors.

The mining plan currently contemplates mining in two phases:

- West (Phase 1), is located north of Highway 7 and west of Tucson Street and included Tracts A, B and C.
- East (Phase 2) is north of Highway 7 and east of Tucson Street and includes Tracts D, E, F, G and H.

Tract J or Tract N will contain the conveyor to carry product off-site to the Wattenberg Lakes facility in Weld County and will be used during all mining phases.

Processing and sale of the material will occur on the Platte Valley site (M-1989-120) in Weld County. A summary of mining phases is presented in the following table.

Mine Phase	Total Acreage To be mined (acres)	Duration (years)
West	72	4
East	83.8	4
Total	155.8	8

Mining will be integrated with concurrent reclamation activities. A slurry wall will be installed around the West and East cells prior to mining.

3-38-06-02 EXCAVATION SETBACK FROM ADJACENT PROPERTY

No excavation or deposit of overburden within twenty-five (25) feet of the boundary of adjacent property, easement, irrigation ditch or right-of-way is permitted unless written agreement of the owner(s) of such property, easement, irrigation ditch, or right-of-way is obtained by the mining operation.

The application meets the setback standards as outlined above. Setbacks from the top of slope of each mining cell to the proposed permit boundary or man-made structures not owned by the applicant will 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 permit boundary are shown on Sheets 4 and 5 of the Site Plan.

These setbacks were determined in combination with Adams County regulations and the Slope Stability Analysis prepared by Tetra Tech. The Geotechnical Stability Exhibit is included in the DRMS permit (see **Supplemental Materials 03 (S03)** for a copy of this report).

3-38-06-03 EXCAVATION SETBACK FROM NEARBY RESIDENCE

No excavation within one-hundred-twenty-five (125) feet of any existing residence is permitted unless written agreement of the owners and occupants of such residence are obtained.

No excavation will take place within 125' of any residence not owned by the Applicant. Please see explanation above.

3-38-06-04 ROCK CRUSHERS SETBACK FROM NEARBY RESIDENCE

No excavation involving the use of rock crushers or other similar equipment shall take place within two-hundred-fifty (250) feet of a residence.

There are no rock crushing operations associated with this permit.

3-38-06-05 HAULING ROADS

Hauling roads within the premises shall be maintained in a reasonably dust free condition.

Roads for hauling material to the conveyor loading point and other onsite roads will be maintained through the use of a water truck and chemical dust suppressants as needed. Aggregate Industries will also install dust monitors on the northeast and southwest boundaries to monitor dust from the operation.

3-38-06-06 HOURS OF OPERATION

Mineral excavation, crushing, hauling, loading, sorting or similar operation shall only occur between the hours of 6:00 a.m. to 10:00 p.m. Shorter hours of operation may be imposed in urbanized areas, as part of conditional use approval.

The Property is located in a rural area, not an urbanized area. Proposed hours of operation are limited to 7:00AM to 7:00PM, Monday – Saturday.

3-38-06-07 TWO FEET OF WATER BEARING STRATA

All sand and gravel shall be excavated in such a manner as to have an average of two (2) feet of undisturbed sand and gravel to provide a water bearing strata, unless the reclamation plan provides for a permanent lake or a landfill.

Areas where excavation will occur will be reclaimed as lined, water storage ponds in accordance with this requirement.

3-38-06-08 CUT SLOPES

In no event shall a slope of less than 2:1 be left for dry pits, or a slope of 3:1 to a depth of ten (10) feet and 2:1 thereafter for a wet pit when operations are completed, except as provided herein.

All reclaimed slopes will be a minimum of 3:1. Please see the attached **Supplemental Materials 03 (S03)** for detailed explanation of the slopes. This material includes the Slope Stability Analysis prepared by Tetra Tech.

3-38-06-09 HAULING ROUTE

The operator shall submit a route plan to the Director of Community and Economic Development and receive permission to use for haulage any public right-of-way not designated for such haulage by reason of load limit, dust, right-of-way or pavement width or other relevant factors. The Director of Community and Economic Development may place reasonable restrictions on such right-of-way use.

This plan does not include material hauling. This plan proposes transporting material by conveyor only. Please see the attached **Supplemental Materials 01 (S01)** for the 2020 Trip Generation Analysis prepared by Kimley-Horn Associates for the incidental daily entry and exit of onsite personnel.

3-38-06-10 EXCAVATION PIT FLOOR

The floor of excavation pits whether wet or dry shall be left in a reasonably smooth condition.

Reclamation will leave the floor of the water storage ponds in a smooth condition. This condition must be met as required for lined water storage ponds.

3-38-06-11 FLOODING AND DRAINAGE

The operator shall not excavate, store overburden, or excavate materials or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage to public facilities.

A complete Floodplain Use Permit Application was prepared by Tetra Tech for this property. The complete application is included with the application under **Supplemental Materials 04 (S04)**. The report provided the following conclusions:

From the results of the modeling, Aggregate Industries has demonstrated compliance with applicable rules and regulations regarding work within the effective floodplain. Fill for temporary stockpiles are proposed in areas that were selected because the location was presumed to have the least impacts on water surface elevations and were located outside the effective floodway. Hydraulic modeling was performed to evaluate the impacts.

Adams County allows up to 0.25 feet of rise in the water surface elevations. The results of the modeling, including the unlikely “all phases” scenario, show that the total impacts on water surface elevation do not exceed 0.09 feet of rise.

Adams County issued Aggregate Industries a Floodplain Use Permit in 2019 for this project. Aggregate Industries will update the Floodplain Use Permit as necessary.

DRAINAGE

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 cell either flows to local low spots on the Property; is conveyed off-site to the north via sheet flow or is conveyed via an irrigation return ditch to the East cell. The East cell generally drains north and east to the South Platte River via overland flow or through existing channels and ditches left by historic disturbance of the Property.

Aggregate Industries has prepared an On-Site Grading and Drainage Memo. Please see **Supplemental Materials 05 (S05)** attached to this application for the full report.

Aggregate mining, including stripping and stockpiling, are expected to decrease the amount of runoff leaving the site. This is due to the creation of excavations, which will trap all rainfall that falls within the excavation. Minor increase in runoff may result from the construction of the water storage pond access roads and the conveyor system. This increase will be offset by the reduction in runoff due to the excavation of the mines. Phase 2 drains east towards the South Platte River. Runoff is generally not concentrated, except in the area where a previous owner constructed outflow ditches to the river.

As demonstrated with the calculations in the report, the cumulative impact of mining operations is a net reduction in peak runoff from the site. This reduction is due to the impacts of creating basins which will capture runoff. Runoff that falls in the water storage ponds will be released at a controlled rate in accordance with the operational guidelines of the water storage ponds.

3-38-06-12 FENCING

Prior to starting excavation, the operator shall fence gravel pit operations with a "V" mesh or chain link fence to a height of seventy-two (72) inches topped with three strands of barbed wire canted to a forty-five (45) degree angle outward. Where the operation is adjacent to subdivided and/or developed commercial, residential, or industrial property (except I-3) a solid screen fence will be erected to prevent the visibility of the mining operation if deemed necessary by the Community and Economic Development Department. The operator may fence the entire area immediately, or fence only areas of excavation; however, no fence shall be removed until rehabilitation has been completed.

The applicant will install fencing that is deemed appropriate by the Community and Economic Development Department during the mining phase. In order to comply with Floodplain Use regulations, Aggregate Industries has proposed a standard three strand barbed wire fence. Please see the Site Plans, sheet C-6 for details on proposed fencing. Final fencing will be installed by the City of Aurora and will conform to input provided by community stakeholders and the County.

3-38-06-13 NOISE

All operations shall conform to noise, vibration, and other standards in the performance standards section of these standards and regulations.

Any potential noise from the project will be limited to the use of belt conveyors and traditional material handling equipment such as front-end loaders, excavators and off-road trucks. This equipment is not expected to result in any nuisance noise condition or code violation. Based on the 2020 noise assessment Behrens & Associates completed on identical equipment in use at a similar site, the expected worst-case scenario impacts are presented in the table below. Background noise data from the Project site was also collected to provide added context. The table below indicates that expected property boundary impacts will be well below acceptable limits and will be consistent with pre-existing background noise levels.

Equipment Type	Noise DB Level relative to closest Boundary	Percent of A-1 DB standard at Boundary per code 4-13-03	South (Hwy 7) Background DB Measured
Off-road Mobile ₁	66.9	83.6%	66
Feeder ₁	59.6	74.5%	
Belt Conveyor ₂	48.8	61.0%	

- 1) Feeders and Off-road equipment will operate below grade and a long distance from the boundary. The results above are conservatively estimated at 200 feet.
- 2) The results above are conservatively estimated at 40 feet

Additional noise mitigation measures include the use of white noise back up alarms in lieu of beepers on all equipment. Berms and largely below grade operations will also serve to significantly buffer sound. No onsite crushing, screening, or blasting are associated with this permit.

3-38-06-14 RECLAMATION OF SPENT AREAS NEAR EXISTING DEVELOPMENT

Where the operation is adjacent to subdivided property and/or to developed commercial, residential or industrial (except I-3), once mining has been completed, said site is not to be used as an area to stockpile sand and gravel resources. The mining operator shall reclaim the area as soon as possible after mining has been completed to prevent soil erosion and nuisance conditions. In all cases, reclamation shall occur no later than five (5) years after mining has been completed.

The site will be concurrently reclaimed to create the water storage ponds. 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 reclamation while the next phase of mining commences. 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 totally 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 the Mine Plans.

Additional Reclamation Information

Reclamation of the proposed permit area will include uplands and lined, open water ponds. Cottonwoods and native plantings will be planted along the South Platte River on the eastern side of the east cell⁵. The trees and plantings will be selected based on consultation with Brighton Parks and a professional vegetation specialist. 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 water storage and 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. As mined out cells are backfilled, rough grading will establish the slopes and elevations necessary to facilitate the appropriate land form for that

⁵ To the extent possible, Aggregate Industries intends to relocate healthy, mature trees from the active mining area to the setback area between the South Platte River and the East cell.

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 ponds 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.

Seeding will produce good vegetation cover over much of the reclaimed site. Roads not necessary for future access and other disturbed areas will be reclaimed with overburden, topsoil and vegetative cover to stabilize the areas and minimize erosion.

All available topsoil and overburden material will be used for backfilling and reclamation.

3-38-06-15 AIR EMISSIONS

Since Air Quality concerns were expressed by the County and neighboring stakeholders, the Application has been very carefully crafted to address this issue through: 1) a reduction in the scope of dust generating activities 2) state of the art monitoring and emissions controls and 3) completion of ambient impacts assessment demonstrating that worst case project emissions will be well below the Environmental Protection Agency's ("EPA") National Ambient Air Quality Standards (NAAQS). Each of these areas is discussed as follows:

1. **Reduced Scope of Activities:** It is extremely important to underscore that the restricted scope of operations through the use of only conveyors and offsite processing have resulted in 90 percent fewer particulate emissions (PM10) than would have otherwise occurred by way of onsite processing or direct haul out.
2. **Installing Emission Control and Monitoring:** Fugitive dust emissions will be carefully controlled through the use of a dedicated onsite water truck that will pre-wet materials which will already contain a high degree of moisture due to their original position in subaqueous beds. Enclosed conveyor transfer points, high efficiency water sprays, and dust palliative, and strict high wind shut down provisions will also assure that airborne emissions are compliant.

In order to provide complete transparency to the community, Aggregate Industries will install two real time dust monitors. The results of the monitoring data will be shared with Adams County so that compliant levels of emissions (24 hrs NAAQS) can be verified throughout the life the project. The monitors, powered by solar with backup batteries, will be placed at the appropriate downwind and upwind locations which also coincide with the location of highest potential concentration. The dust monitor specifications are provided as **Supplemental Materials 06 (S06)** for reference and will be installed prior to start-up of mining operations.

3. **Completion of Ambient Air Quality Assessment:** Aggregate Industries has gone above and beyond Colorado Department of Public Health and Environment (CDPHE) air permit requirements by contracting with Trinity Consultants to conduct a worse case Ambient Air Quality impacts analysis that utilized EPA and CDPHE recommended dispersion modeling

software, AERMOD. Combined with meteorological data provided by CDPHE, project emissions from mining and conveying materials were modeled. The ambient impacts are presented on the table below and indicate that even under potential worst case emissions are estimated to be less than 80 percent of the applicable PM₁₀ and PM_{2.5} standards even with a conservatively high background concentration included. Taken alone, emissions from Aggregate Industries operations are below 50 percent of the NAAQS standard.

Pollutant	Avg Period	GLCmax (µg/m)	Background Concentration^b (µg/m³)	Total Impact (µg/m³)	NAAQS (µg/m³)	% of NAAQS
PM _{2.5}	24-HR	6.52	22	28.52	35	81.5%
PM _{2.5}	Annual	1.81	7.0	8.81	12	73.4%
PM ₁₀	24-HR	59.96	60	119.96	150	80.0%

a. The CDPHE provided preprocessed meteorological data sets on June 15, 2020 (v19191) using 2009 meteorological data from the Fort Saint Vrain surface meteorological tower and the Denver upper air station for use in the AERMOD air dispersion modeling analysis. CDPHE has determined that the meteorological data provided is both conservative and representative of the Tucson South Pit.

b. The CDPHE provided a background concentration determination on July 16, 2020 indicating that the data above (and in Table 1) should be used for the proposed facility for PM₁₀ and PM_{2.5} standards.

The complete air quality assessment report is provided as **Supplemental Materials 06 (S06)** and the Air Pollution Emissions Notice (APEN) and issued Construction Permit from CDPHE is provided as **Supplemental Materials 07 (S07)**.

In summary, based on the restricted operations, high level of controls, post construction monitoring, and ambient air quality assessment, the Application exceeds all local, state and federal air quality requirements.

3-38-06-16 WATER QUALITY

All water uses, and discharges shall conform to standards established by the State Water Quality Control Commission and the water laws of the State of Colorado.

Stormwater discharges are regulated and covered by Colorado Discharge Permit System (CDPS) Permit COR400000. This permit specifically covers discharges associated with construction activities only. This permit's applicability has been interpreted to mean that haul road creation and erection of the conveyor system would be considered construction activities covered by COR400000.

As a mine, all stormwater discharges, except as noted in the COR400000 permit, are covered under permit COG500000, which includes discharges from sand and gravel mining and processing. The SWMPs for both permits must include erosion control drawings that are periodically updated to reflect the measures installed, maintained, or removed. This site is not within the boundaries of the County's MS4 and therefore does not require a separate County permit. Please see **Supplemental**

Materials 08 (S08) for a more detailed explanation of applicable water quality permits and **Supplemental Materials 09 (S09)** for a copy of the COG-500000 issued permit for this site.

3-38-06-17 SLOPE STABILIZATION

All slopes shall be stabilized and land remaining in the natural water level must be revegetated in a manner compatible with the surrounding area, and subject to the approval of the Adams County Community and Economic Development Department.

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 the 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.

Pond 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 water storage ponds. The reclamation will not leave high walls on the property.

Please see the attached **Supplemental Materials 03 (S03)** for detailed explanation of the slopes. This material includes the Slope Stability Analysis prepared by Tetra Tech in 2019.

3-38-06-18 REVEGETATION

The revegetation plan must meet the standards of the Colorado State University Extension Agency. After revegetation of an area, the area must be maintained for a period of three (3) years or until all vegetation is firmly established in the reclaimed area.

Following mining, disturbed areas will be seeded with a mixture of upland grass species and a weed management plan will be implemented. Revegetation with native grasses and the weed management plan will help minimize the weedy vegetation that typically degrades wildlife habitat.

Please refer to the attached **Supplemental Materials 10 (S10)** *Tucson South Sand and Gravel Mine Project - Adams County, Colorado Biological Resources Inventory Report September 2018*, prepared by Tetra Tech. Specific details and recommendations regarding vegetation and wildlife are outlined in the report.

Four List B Noxious Weed species were identified in the Project area and two List C noxious weeds were identified. Aggregate Industries has prepared a weed management plan. Please see **Supplemental Materials 11 (S11)** for a copy of the Weed Management Plan.

SECTION E

ADDITIONAL INFORMATION

Water Resources

This site is directly adjacent to the Brantner Ditch, Brighton 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.

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 that is 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 groundwater exposed in the dewatering trenches in the West and East cells and groundwater exposed in the settling pond. 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 dewatering trench surrounding the West cell (Phase 1). The maximum exposed surface area during the life of the mine is estimated at 4 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.

Potential Mining Impacts on Groundwater

Tucson South Resource Groundwater Modeling Study on the Hydrogeologic Effects of Mining, prepared by Tetra Tech RMC dated August 2004 was submitted to DRMS August 3, 2004. The plan was reviewed and approved by the Division as part of the original permit for the site and approved with the amended permit in 2018 as groundwater conditions in the area have not changed. The approved Groundwater Monitoring and Mitigation Plan is attached to the Application under Exhibit G of **Supplemental Materials 03 (S03)**. A brief summary of the monitoring and mitigation is provided below:

To establish a baseline, Aggregate Industries installed 17 monitoring wells at the mining site and is already measuring water levels monthly prior to the beginning of mining and will continue monthly monitoring through the life of the project. Baseline data collected from the monitoring program will provide a range of relative water levels associated with pre-mining groundwater conditions.

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 evaluate the cause and take action within 30 days and the DRMS will be notified. A description of the complete process and potential mitigation measures are detailed in Exhibit G of **Supplemental Materials 03 (S03)**.

WILDLIFE INFORMATION

Please refer to the attached **Supplemental Materials 10 (S10)** *Tucson South Sand and Gravel Mine Project - Adams County, Colorado Biological Resources Inventory Report September 2018*, prepared by Tetra Tech. Specific details and recommendations regarding vegetation and wildlife are outlined in the report. The general wildlife resources described in the study are as follows:

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 in the *Tucson South Sand and Gravel Mine Project - Adams County, Colorado Biological Resources Inventory Report September 2018, prepared by Tetra Tech*. All state threatened and state endangered species within the Project area will be protected against take under CRS 33-2-105.

Migratory Birds

Two potential raptor nests were observed in the Project area during the raptor nest survey. Both were confirmed to be inactive 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, Aggregate Industries will follow the recommendations of Colorado Parks and Wildlife's most recent "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" (CPW 2020). 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 Migratory Bird Treaty Act.

Wetlands

An approved Jurisdictional Determination was completed for this project by the Army Corps of Engineers on July 23, 2019. Based on the approval, a Department of Army (DA) permit will not be required for this project. Please see the attached **Supplemental Materials 12 (S12)** for a copy of the No Permit Required Letter.

CULTURAL RESOURCES

A Cultural Resource Inventory for the Tucson South Sand and Gravel Mine Project, Adams County, Colorado, was prepared by Tetra Tech in September 2018. This cultural resource inventory resulted in the identification of four new cultural resources. Three of the sites have been recommended as not eligible for inclusion on to the National Register of Historic Places (NRHP). One site (a segment of the Brighton Ditch) was left unevaluated, pending further research to better assess their NRHP eligibility. However, this site will not be disturbed by this project's activities. A complete copy of the report is included with this application under **Supplemental Materials 13 (S13)**.

SECTION F

CONCEPTUAL REVIEW REFERRAL COMMENTS

Please see **Supplemental Materials 14 (S14)** for responses to each of the referral comments.

SECTION G

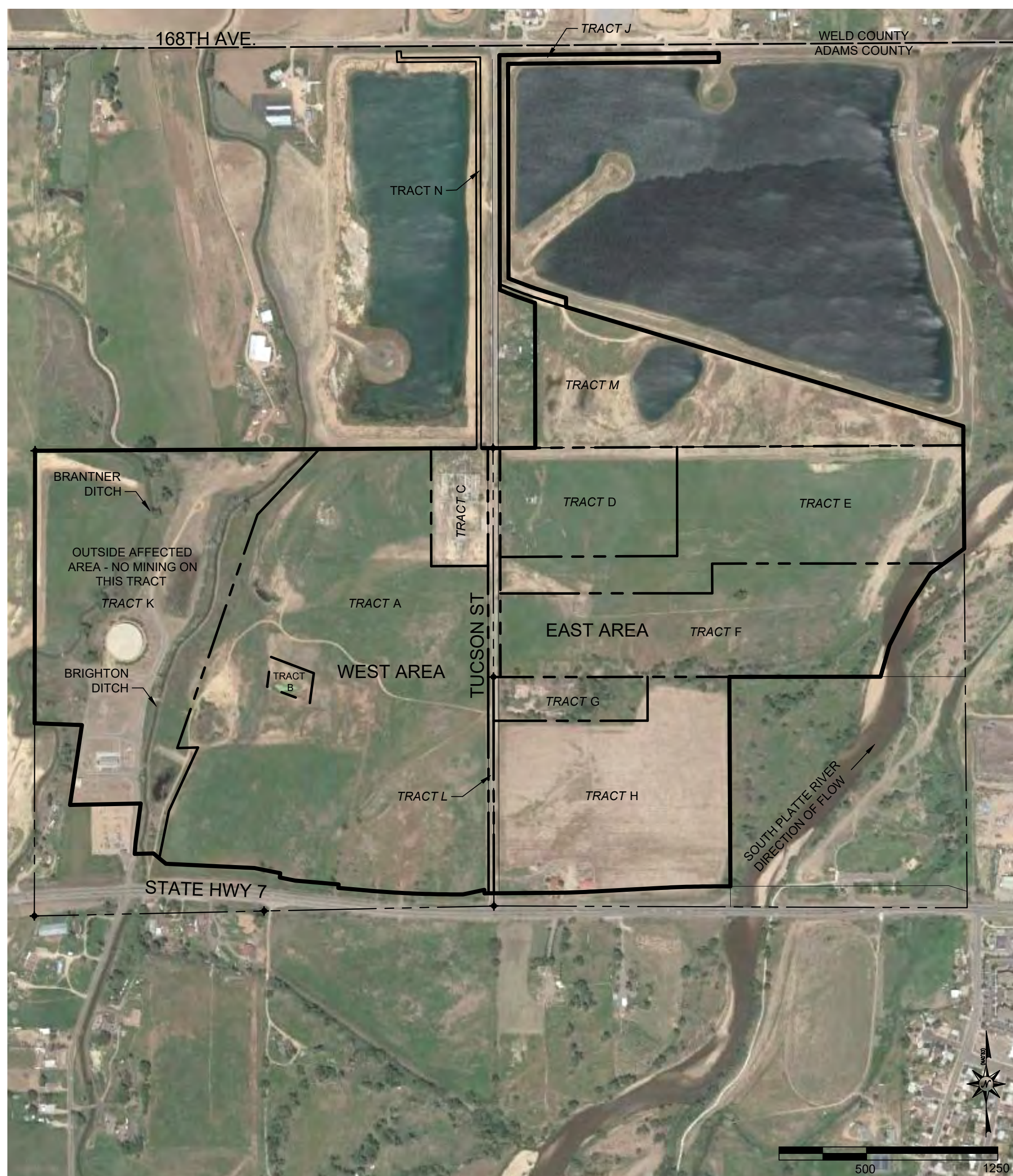
SUMMARY OF PUBLIC OUTREACH

Please see **Supplemental Materials 15 (S15)** for a summary of Aggregate Industries' public outreach efforts for this project up to the date of application submission.

APPENDIX

- Supplemental Materials 01 – Trip Generation Analysis
- Supplemental Materials 02 – Neighborhood Meeting Summary
- Supplemental Materials 03 – Colorado Division of Reclamation Mining and Safety Permit
- Supplemental Materials 04 – Floodplain Use Permit and No Rise Certification
- Supplemental Materials 05 – On-site Grading and Drainage Memo
- Supplemental Materials 06 – Air Quality Assessment Report and Dust Monitor Specifications
- Supplemental Materials 07 – CDPHE Air Permit
- Supplemental Materials 08 – Water Quality Permits Memo
- Supplemental Materials 09 – CDPHE COG500000 Permit
- Supplemental Materials 10 – Biological Resources Inventory Report
- Supplemental Materials 11 – Weed Management Plan
- Supplemental Materials 12 – US Army Corps of Engineers No Permit Required Letter
- Supplemental Materials 13 – Cultural Resources Inventory Report
- Supplemental Materials 14 – Conceptual Review Referral Comments and Responses
- Supplemental Materials 15 – Summary of Public Outreach
- Supplemental Materials 16 – Adjacent Land Use Map
- Supplemental Materials 17 – Adams County Mineral Conservation Overlay Map
- Supplemental Materials 18 – Floodway and Floodplain Map
- Supplemental Materials 19 – Mosquito Control Plan
- Supplemental Materials 20 – Right of Way Dedications

TUCSON SOUTH RESOURCE PRE-MINING AND MINING PLAN MAPS



GRAVEL MINING APPLICANT / OPERATOR:

AGGREGATE INDUSTRIES-WCR, INC.
1687 COLE BLVD, SUITE 300
GOLDEN, COLORADO 80401

SURFACE OWNERS:

AGGREGATE INDUSTRIES-WCR, INC. (TRACTS A, B, D, E, F, H, I, AND M)
1687 COLE BLVD, SUITE 300
GOLDEN, COLORADO 80401

CITY OF AURORA (TRACTS C, G, K, AND N)
15151 EAST ALAMEDA PARKWAY
SUITE 3600
AURORA, COLORADO 80012

CITY OF THORNTON (TRACT J)
12450 WASHINGTON STREET
THORNTON, COLORADO 80241

ADAMS COUNTY (TRACT L)
ADAMS COUNTY GOVERNMENT CENTER
4430 SOUTH ADAMS COUNTY PARKWAY
BRIGHTON, COLORADO 80601

PLEASE REFER TO SHEETS C-2 AND C-3 FOR ADJACENT PROPERTY OWNERS WITHIN 200' OF PERMIT BOUNDARY. ADJACENT PROPERTY OWNER INFORMATION WAS PROVIDED BY ADAMS COUNTY AND WELD COUNTY RECORDS.

EXISTING VEGETATION:

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 LIES WITHIN COVER CLASSES IDENTIFIED BY THE NLCD AS CULTIVATED CROPLAND, HAY/PASTURE, HERBACEOUS, GRASSLANDS, WOODY AND HERBACEOUS WETLANDS, AND DEVELOPED AND BARREN.

UTILITY INFORMATION:

UTILITY INFORMATION TAKEN FROM THE TUCSON SOUTH ALTAINSPS LAND TITLE SURVEY DATED SEPTEMBER 7, 2018 BY CIVIL ARTS.

WETLAND NOTE:

WETLANDS SHOWN ON PLANS ARE PER INVESTIGATION REPORTS BY TETRA TECH DATED AUGUST 2017.

FLOOD HAZARD INFORMATION:

FLOODPLAIN INFORMATION IS FROM FLOOD INSURANCE RATE MAP, PANEL NO. 08001C0327H & 08001C0326H, DATED MARCH 5, 2007. A PORTION OF THIS LAND LIES WITHIN ZONE AE (SPECIAL FLOOD HAZARD AREAS INUNDED BY THE 1% ANNUAL CHANCE FLOOD) AND REGULATORY FLOODWAY.

MINING AREA ACREAGE TABLE:

AREA/PHASE	TRACT	PERMIT BOUNDARY	AFFECTED AREA	MINED AREA
WEST/ PHASE 1	A	82.6	82.6	72.0
	B	1.0	1.0	
	C	5.0	5.0	
	K	49.0	0.0	
EAST/ PHASE 2	D	14.4	14.4	83.8
	E	30.7	30.7	
	F	29.6	29.6	
	G	4.9	4.9	
	H	32.6	32.6	
CONVEYOR	J	3.3	3.3	0.0
	N	1.6	1.6	0.0
TUCSON ST	L	2.9	2.9	0.0

FLOOD HAZARD LEGEND:

EFFECTIVE ZONE AE: AREA OF 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED, AS SHOWN ON FEMA FIRM (MARCH 5, 2007)

EFFECTIVE ZONE X: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, AS SHOWN ON FEMA FIRM (MARCH 5, 2007)

EFFECTIVE FLOODWAY: THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS, AS SHOWN ON FEMA FIRM (MARCH 5, 2007)

PRE-PROJECT / MINING CONDITIONS: AREA OF 1% ANNUAL CHANCE FLOODPLAIN PER TETRA TECH STUDY (NOV. 2018 OR AS REVISED)

LEGAL DESCRIPTIONS:

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. 20051222001359920, COUNTY OF ADAMS, STATE OF COLORADO.

TRACT B

A PARCEL OF LAND IN THE SW 1/4 OF SECTION 1, TOWNSHIP 1 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 28, 2016 AT RECEPTION NO. 2016000080881, 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°08'29" 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

THAT PARCEL OF LAND AS DESCRIBED IN THE QUIT CLAIM DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

EXCEPT THAT TRACT OF LAND DESCRIBED IN THE QUIT CLAIM DEED RECORDED MARCH 2, 2017 AT RECEPTION NO. 2017000018970, COUNTY OF ADAMS, STATE OF COLORADO.

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 328 AND EXCEPT THAT PART DESCRIBED IN BOOK 1205 AT PAGE 128, COUNTY OF ADAMS, STATE OF COLORADO

A PORTION OF A PARCEL OWNED BY THE CITY OF THORNTON (PN: 01571010029001) 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.

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°39'55" 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.

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 WHEN 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 SOUTHWEST 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.

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 69°36'00" 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 70°16'26" EAST 305.80 FEET; THENCE SOUTH 73°16'48" EAST 2463.67 FEET; THENCE SOUTH 108.13 FEET TO THE POINT OF BEGINNING.

A PORTION OF A PARCEL OWNED BY THE CITY OF AURORA (PN: 157101200010) A STRIP OF LAND BEING 25 FEET IN WIDTH, TO BE USED AS AN EASEMENT, LOCATED IN THE NORTHWEST OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, SAID 25 FOOT WIDE STRIP OF LAND BEING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID LINE ALSO BEING THE SOUTH LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, RECEPTION NUMBER 2010-018, SOUTH 89°38'46" WEST A DISTANCE OF 68.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°06'37" WEST, A DISTANCE OF 2215.37 FEET, SAID LINE BEING 68.20 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, AND 27.02 FEET WEST OF THE EAST LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF TUCSON STREET; THENCE SOUTH 89°31'48" WEST, A DISTANCE OF 450.84 FEET, BEING 32.79 FEET SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID PARCEL AS RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 168TH AVE, ALSO KNOWN AS BASELINE ROAD, SAID LINE ALSO BEING 72.92 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 57 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE NORTH 02°04'13" WEST, A DISTANCE OF 32.67 FEET TO THE POINT OF TERMINUS, FROM WHENCE THE NORTH EAST CORNER OF THE NORTHWEST QUARTER BEARS NORTH 85°06'18" EAST, A DISTANCE 521.97 FEET.

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 328 AND EXCEPT THAT PART DESCRIBED IN BOOK 1205 AT PAGE 128, COUNTY OF ADAMS, STATE OF COLORADO

TRACT I

A PARCEL 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:

TRACT J

A PORTION OF A PARCEL OWNED BY THE CITY OF THORNTON (PN: 01571010029001) 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:

TRACT L

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 WHEN 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 SOUTHWEST 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 69°36'00" 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 70°16'26" EAST 305.80 FEET; THENCE SOUTH 73°16'48" EAST 2463.67 FEET; THENCE SOUTH 108.13 FEET TO THE POINT OF BEGINNING.

TRACT N (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 WHEN 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 SOUTHWEST 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 O

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 69°36'00" 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 70°16'26" EAST 305.80 FEET; THENCE SOUTH 73°16'48" EAST 2463.67 FEET; THENCE SOUTH 108.13 FEET TO THE POINT OF BEGINNING.

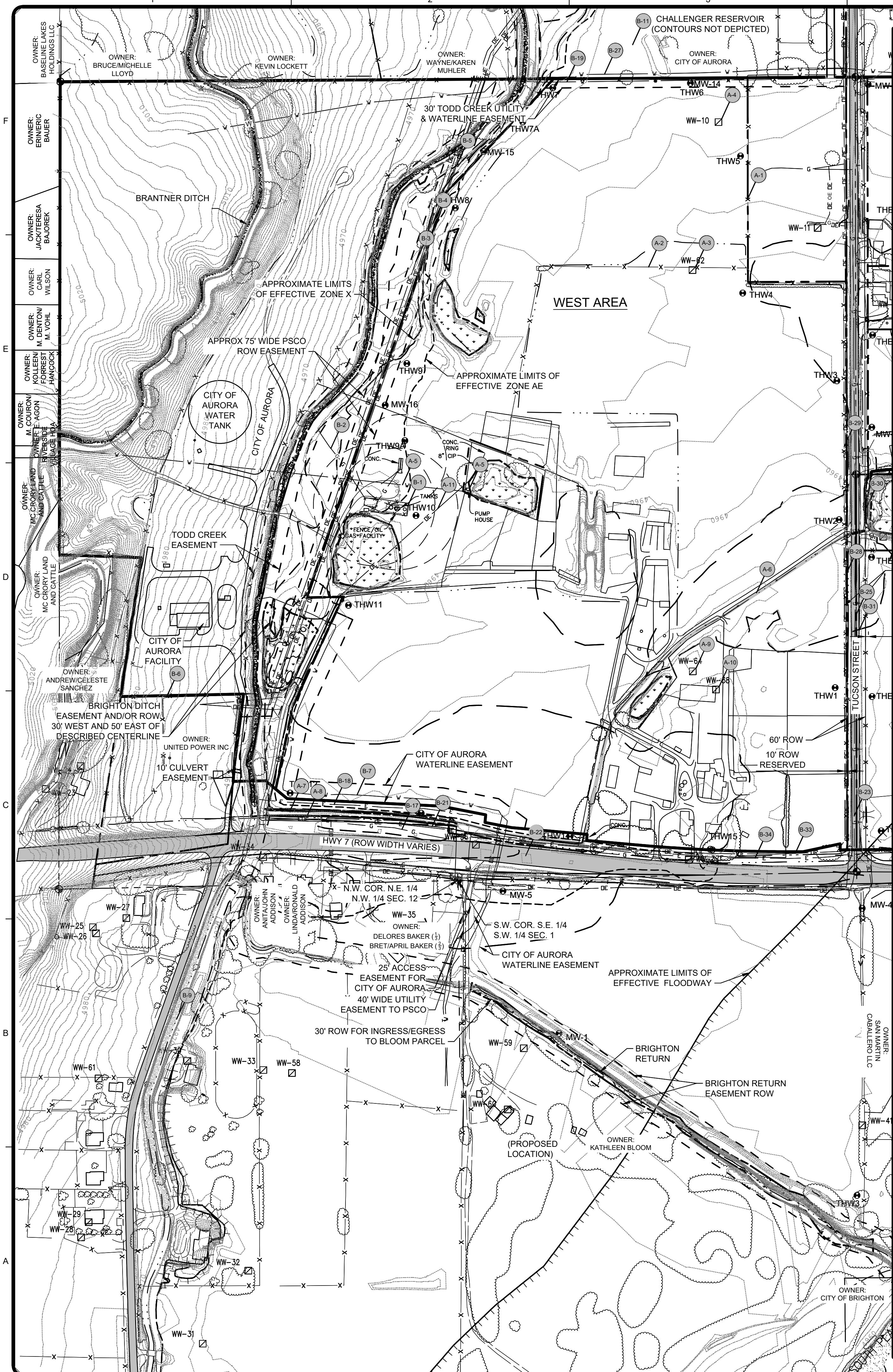
TRACT P

A PORTION OF A PARCEL OWNED BY THE CITY OF AURORA (PN: 157101200010) A STRIP OF LAND BEING 25 FEET IN WIDTH, TO BE USED AS AN EASEMENT, LOCATED IN THE NORTHWEST OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, SAID 25 FOOT WIDE STRIP OF LAND BEING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID LINE ALSO BEING THE SOUTH LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, RECEPTION NUMBER 2010-018, SOUTH 89°38'46" WEST A DISTANCE OF 68.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°06'37" WEST, A DISTANCE OF 2215.37 FEET, SAID LINE BEING 68.20 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, AND 27.02 FEET WEST OF THE EAST LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF TUCSON STREET; THENCE SOUTH 89°31'48" WEST, A DISTANCE OF 450.84 FEET, BEING 32.79 FEET SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID PARCEL AS RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 168TH AVE, ALSO KNOWN AS BASELINE ROAD, SAID LINE ALSO BEING 72.92 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 57 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE NORTH 02°04'13" WEST, A DISTANCE OF 32.67 FEET TO THE POINT OF TERMINUS, FROM WHENCE THE NORTH EAST CORNER OF THE NORTHWEST QUARTER BEARS NORTH 85°06'18" EAST, A DISTANCE 521.97 FEET.

MINING NOTES:

- REFER TO EXHIBITS C-2 AND C-3 FOR ADJACENT PROPERTY OWNERS, SOURCE OF SURVEY/TOPOGRAPHY, AND BENCHMARK INFORMATION.
- AN ENGINEERING STABILITY ANALYSIS FOR SLIDING FAILURE HAS BEEN PERFORMED. MINING OCCURRING WITHIN 200' OF A MAN-MADE STRUCTURE NOT OWNED BY THE APPLICANT/OPERATOR HAS ADEQUATE SETBACK FOR SLIDING FAILURE. THE LIMIT OF MINING EXCAVATION PER THE GEOTECHNICAL SOLE STABILITY ANALYSIS IS SHOWN ON EXHIBITS C-4 AND C-5.
- FOR THE WEST AND EAST CELLS, THE OPERATOR WILL USE DRY MINING TECHNIQUES AND EXCAVATE MATERIAL BY BACKHOE, BULLDOZERS, AND SIMILAR EQUIPMENT. THE MINING FOR THESE PHASES WILL INVOLVE INSTALLATION OF A SLURRY WALL, DE-WATERING ACTIVE MINING AREAS, AND PUMPING WATER FROM DE-WATERED AREAS IN ACCORDANCE WITH THE DISCHARGE PERMIT.
- TOPSOIL AND OVERBURDEN STOCKPILES SHALL BE TEMPORARILY STORED IN THE AREAS SHOWN. THE STOCKPILES IN THE FLOODPLAIN SHALL BE ALIGNED PARALLEL TO THE FLOOD-FLOW DIRECTION OF THE S. PLATTE RIVER, HAVE A MAXIMUM HEIGHT OF 30', A MAXIMUM LENGTH OF 300', MAXIMUM 3H:1V SLOPES, AND A MINIMUM OF 100' BETWEEN STOCKPILES.
- OVERBURDEN AND TOPSOIL STOCKPILES ABOVE EXISTING GRADE, THAT ARE EXPECTED TO BE PRESENT FOR OVER 1 YEAR, WILL BE SEEDDED WITH A TEMPORARY SEED MIX AS WEATHER PERMITS.
- OVERBURDEN AND TOPSOIL STOCKPILES MAY BE STORED IN THE BOTTOM OF THE MINING CELLS IN EAST AND WEST MINING AREAS AS LONG AS THE TOP OF THE STOCKPILE IS BELOW THE PRE-MINING SURFACE ELEVATION.
- STOCKPILED TOPSOIL WILL BE SEGREGATED FROM OTHER SPOIL.
- THE OPERATION WILL INVOLVE CONCURRENT MINING AND RECLAMATION WITH FINAL SLOPES BEING 3H:1V, AND PLACEMENT OF 6" TO 12" OF TOPSOIL ON ALL RECONSTRUCTED AREAS ABOVE THE PROPOSED HIGH WATER LEVEL OF THE FUTURE RESERVOIR, AND OTHER DISTURBED AREAS AS NECESSARY.
- TETRA TECH INC. IS NOT RESPONSIBLE FOR SAFETY, IN, ON, OR ABOUT THE PROJECT SITE, NOR FOR

- COMPLIANCE BY THE APPROPRIATE PARTY OF ANY REGULATIONS THERETO.
- A MINIMUM OF TEN (10) FEET OF CLEARANCE FROM ANY EXISTING POWERLINE OR FUTURE POWERLINE SHALL BE MAINTAINED AT ALL TIMES AS OUTLINED BY STATE STATUTES.
- UTILITIES SHOWN ON THIS PLAN WERE FIELD LOCATED AT THE TIME OF PLAN PREPARATION. FOR SAFETY, THE OPERATOR SHOULD LOCATE UTILITIES PRIOR TO SLURRY WALL CONSTRUCTION, OR MINING ACTIVITY.
- SLURRY WALL SHOWN HEREIN IS GENERAL LOCATION ONLY. THE PORTION OF THE SLURRY WALL IN THE TUCSON STREET ROW WILL BE CONSTRUCTED UPON APPROVAL OF ADAMS COUNTY.
- NO IRRIGATION DITCHES WILL BE DISTURBED. LATERALS THAT SERVE THE PROPERTY WILL BE REMOVED.
- WETLANDS BUFFER SHALL NOT BE DISTURBED UNTIL USACE AUTHORIZATION IS OBTAINED.
- USACE HAS INFORMED AGGREGATE INDUSTRIES - WCR, INC THAT NO PERMIT IS REQUIRED FOR THIS PROJECT.
-



MATCHLINE SEE SHT C-3

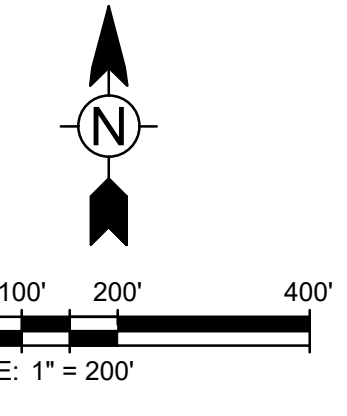
LEGEND:

	MINE PERMIT BOUNDARY
	TRACT BOUNDARY
	EASEMENT
	EFFECTIVE FLOODWAY
	EFFECTIVE ZONE AE
	EFFECTIVE ZONE X
	PRE-PROJECT MINING CONDITIONS 100-YR FLOODPLAIN
	EXISTING WETLAND BOUNDARY
	EXISTING EDGE OF WATER
	EXISTING 2' CONTOURS
	EXISTING FENCE
	EXISTING EDGE OF ROAD
	EXISTING ELECTRIC LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING GAS LINE
	EXISTING WATER LINE
	EXISTING TELEPHONE LINE
	EXISTING ASPHALT ROAD
	EXISTING SOUTH PLATTE RIVER
	UDFCD STABILIZATION
	EXISTING WETLANDS
	MONITORING WELL LOCATION WITH WELL ID #
	WATER WELL LOCATION WITH WELL ID #
	EXISTING TREES
	UTILITY POLE
	SECTION CORNER MONUMENT

STRUCTURE LIST

STRUCTURE ID	STRUCTURE DESCRIPTION	OWNER	ADDRESS	RECOMMENDED OFFSET PER STABILITY ANALYSIS (FT)*	STRUCTURE AGREEMENT OR UDFCD OFFSET (FT)	ACTUAL OFFSET FROM MINING EXCAVATION LIMITS (FT)**
STRUCTURES TO BE REMOVED						
A-1	FENCE	CITY OF AURORA	15151 EAST ALAMEDA PARKWAY, SUITE 3600, AURORA, COLORADO, 80012	-	-	-
A-2	FENCE LOCATED ON PROPERTY	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-3	WW-82	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-4	WW-10	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-5	PUMP HOUSE, WELL & WATERLINE	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-6	IRRIGATION DITCH	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-7	IRRIGATION LATERALS	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-8	IRRIGATION LATERALS	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-9	WW-64	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-10	WW-38	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-11	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	-	-	-
STRUCTURES TO BE PROTECTED						
B-1	OIL AND GAS FACILITY, WELL, APPERTENANCES, AND FENCE	GREAT WESTERN OPERATING COMPANY, LLC		56	-	56
B-2	GAS LINE	GREAT WESTERN OPERATING COMPANY, LLC		56	-	56
B-3	OVERHEAD ELECTRIC WITH POWER POLES	PUBLIC SERVICE CO. OF COLO.	1800 LARIMER ST. DENVER, COLORADO, 80202	68	-	75 MINIMUM
B-4	OVERHEAD ELECTRIC WITH POWER POLES	PUBLIC SERVICE CO. OF COLO.	1800 LARIMER ST. DENVER, COLORADO, 80202	68	-	75 MINIMUM
B-5	OVERHEAD ELECTRIC WITH POWER POLES	PUBLIC SERVICE CO. OF COLO.	1800 LARIMER ST. DENVER, COLORADO, 80202	68	-	75 MINIMUM
B-6	ELECTRICAL SUBSTATION	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	45	-	511
B-7	WATERLINE	CITY OF AURORA	15151 EAST ALAMEDA PARKWAY, SUITE 3600, AURORA, COLORADO, 80012		60	83 MN (N OF HWY 7) 75 MN (S OF HWY 7)
B-8	INTENTIONALLY NOT USED					
B-9	BRIGHTON DITCH	BRIGHTON DITCH COMPANY	3286 WELD COUNTY ROAD 23, FT LUPTON CO 80621	35	-	90 MINIMUM
B-11	CHALLENGER RESERVOIR	CITY OF AURORA	15151 EAST ALAMEDA PARKWAY, SUITE 3600, AURORA, COLORADO, 80012	45	-	176
B-17	GAS LINE	XCEL	414 NICOLLET MALL, MINNEAPOLIS, MN, 55401	106	-	189
B-18	UNDERGROUND ELECTRIC	UNITED POWER INC INC	PO BOX 929, BRIGHTON, CO, 80602	106	-	133
B-19	WATERLINE	TODD CREEK FARMS METROPOLITAN DIST. NO. 1	7550 EAST 152ND AVE, BRIGHTON, COLORADO, 80401	45	20	55
B-21	FENCE	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W HOWARD PLACE, DENVER, CO, 80204	106	-	174
B-22	CO STATE HIGHWAY 7	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W HOWARD PLACE, DENVER, CO, 80204	106	-	185
B-23	GAS LINE	XCEL	414 NICOLLET MALL, MINNEAPOLIS, MN, 55401	44	-	80
B-25	TUSCON STREET	ADAMS COUNTY	4430 S. ADAMS COUNTY PARKWAY, BRIGHTON, COLORADO, 80601	44	-	71
B-27	WATERLINE	TODD CREEK FARMS METROPOLITAN DIST. NO. 1	7550 EAST 152ND AVE, BRIGHTON, COLORADO, 80401	45	20	79
B-28	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	44	-	53
B-29	FENCE	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	44	-	48
B-30	FENCE	CITY OF AURORA	15151 EAST ALAMEDA PARKWAY, SUITE 3600, AURORA, COLORADO, 80012	44	-	122
B-31	TELEPHONE LINE	CENTURY LINK	PO BOX 2560, OMAHA, NE, 68103	44	-	97
B-33	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	106	-	111
B-34	UNDERGROUND ELECTRIC	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	106	-	128

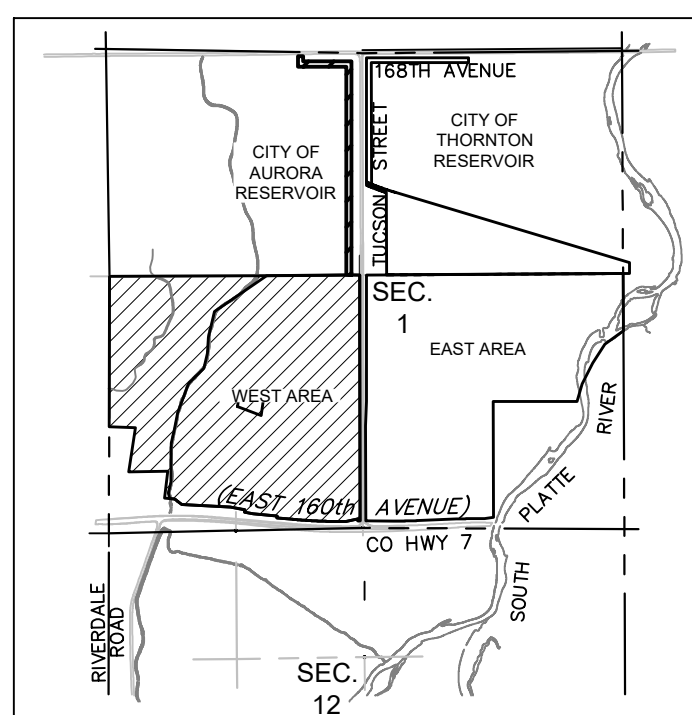
* Offset is selected from nearest feature analyzed in the stability analysis
** Actual offset distance is measured from the feature to the mining excavation limit shown on sheet.



CERTIFICATION:
THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRATECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel 07/23/2020

KEY MAP
NOT TO SCALE



SURVEY/TOPOGRAPHIC INFORMATION:

BASEMAP INFORMATION AND TOPOGRAPHY: (3/26/2009) CARRERA MAPPING, INC., 4743 SOUTH CATHAY COURT AURORA, COLORADO, 80015 PHONE: (303) 693-5999

SURVEY INFORMATION: CIVIL ARTS 1500 KANSAS AVE, STE. 2-E LONGMONT, CO 80501

BOUNDARY INFORMATION AND EXISTING UTILITIES: CIVIL ARTS 1500 KANSAS AVE, STE. 2-E LONGMONT, CO 80501 (SEE LEGAL DESCRIPTIONS)

FEATURES OUTSIDE PROPERTY BOUNDARY WERE PROVIDED BY: AERIAL PHOTO AND USGS MAP

WELL INFORMATION:

☐ WW-# LOCATIONS ARE APPROXIMATE, BASED ON SEO DATABASE AND DOOR TO DOOR SURVEY, AND COULD BE ABANDONED OR DESTROYED. INFORMATION IS FROM TETRA TECH WELL INVENTORY REPORT DATED MARCH 13, 2004.

TETRA TECH

www.tetrattech.com
1900 S. Sunset St., Ste. 1-E
Longmont, CO 80501
Phone: (303) 772-5262

MARK	DATE	DESCRIPTION	BY				
			TH	TH	TH	MES	MES
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE					
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE					
3	1/18/19	THIRD ADEQUACY REVIEW RESPONSE					
4	5/11/20	REMOVE SOUTH AREA FROM MINING LIMIT					
5	7/17/20	ADD TRACT N					

AGGREGATE INDUSTRIES - WCR, INC.

TUCSON SOUTH RESOURCE

EXHIBIT C

PRE-MINING PLAN MAP

WEST AREA

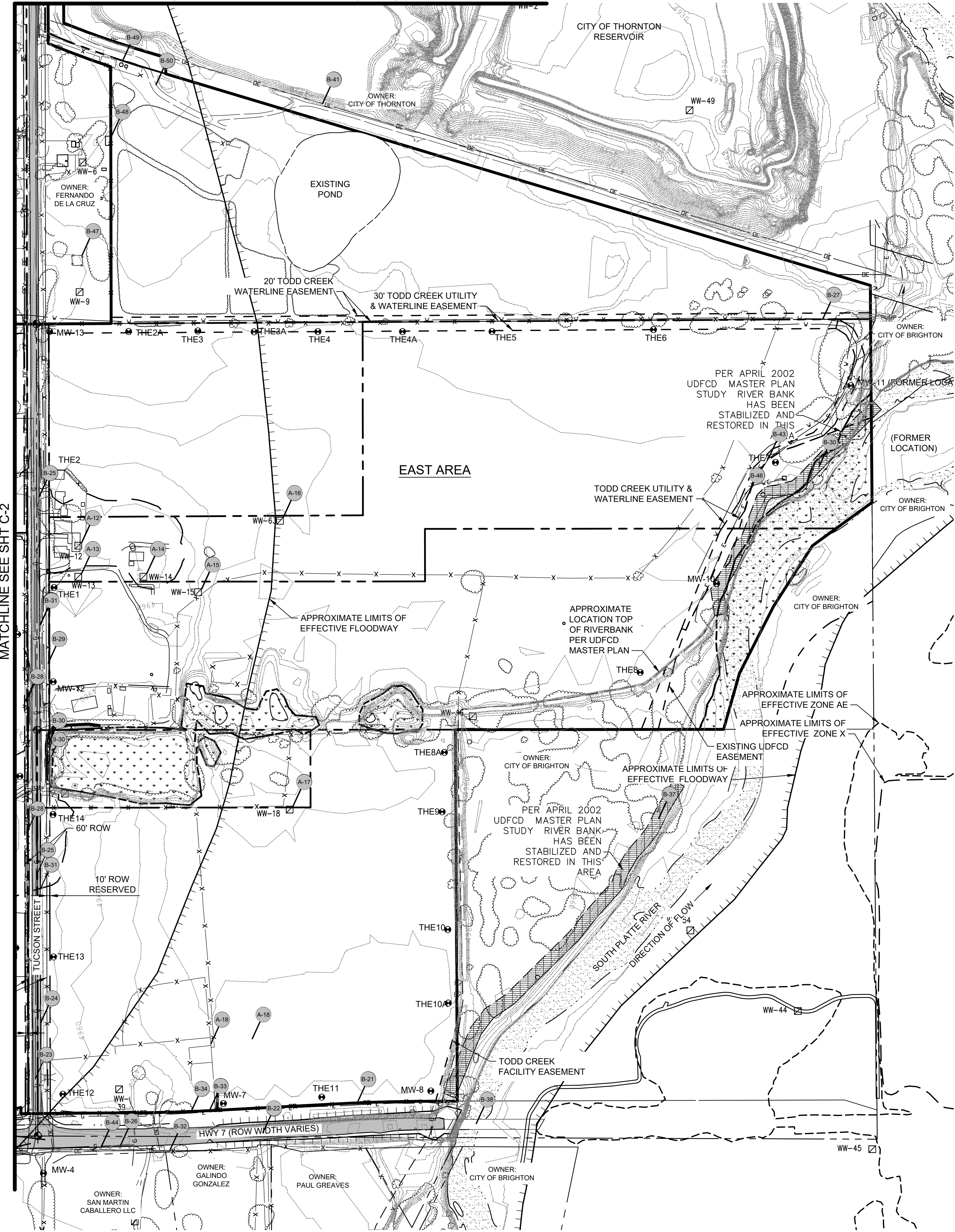
Project No.:	200-23514-18004
Designed By:	
Drawn By:	
Checked By:	

C-2

EXHIBIT

Bar Measures 1 inch

MATCHLINE SEE THIS SHEET BELOW RIGHT



LEGEND:

- MINE PERMIT BOUNDARY
- TRACT BOUNDARY
- EASEMENT
- EFFECTIVE FLOODWAY
- EFFECTIVE ZONE AE
- EFFECTIVE ZONE X
- PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
- EXISTING WETLAND BOUNDARY
- EXISTING EDGE OF WATER
- EXISTING 2' CONTOURS
- EXISTING FENCE
- EXISTING EDGE OF ROAD
- EXISTING ELECTRIC LINE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING GAS LINE
- EXISTING WATER LINE
- EXISTING TELEPHONE LINE
- EXISTING ASPHALT ROAD
- EXISTING SOUTH PLATTE RIVER
- UDFCD STABILIZATION
- EXISTING WETLANDS
- MONITORING WELL LOCATION WITH WELL ID #
- WATER WELL LOCATION WITH WELL ID #
- EXISTING TREES
- UTILITY POLE
- SECTION CORNER MONUMENT

SURVEY/TOPOGRAPHIC INFORMATION:

BASEMAP INFORMATION AND TOPOGRAPHY: (3/26/2002) CARRERA MAPPING, INC., 4743 SOUTH CATHAY COURT AURORA, COLORADO, 80015 PHONE: (303) 693-5999

SURVEY INFORMATION: CIVIL ARTS 1500 KANSAS AVE. STE. 2-E LONGMONT, CO 80501

BOUNDARY INFORMATION AND EXISTING UTILITIES: CIVIL ARTS 1500 KANSAS AVE. STE. 2-E LONGMONT, CO 80501 (SEE LEGAL DESCRIPTIONS)

FEATURES OUTSIDE PROPERTY BOUNDARY WERE PROVIDED BY: AERIAL PHOTO AND USGS MAP

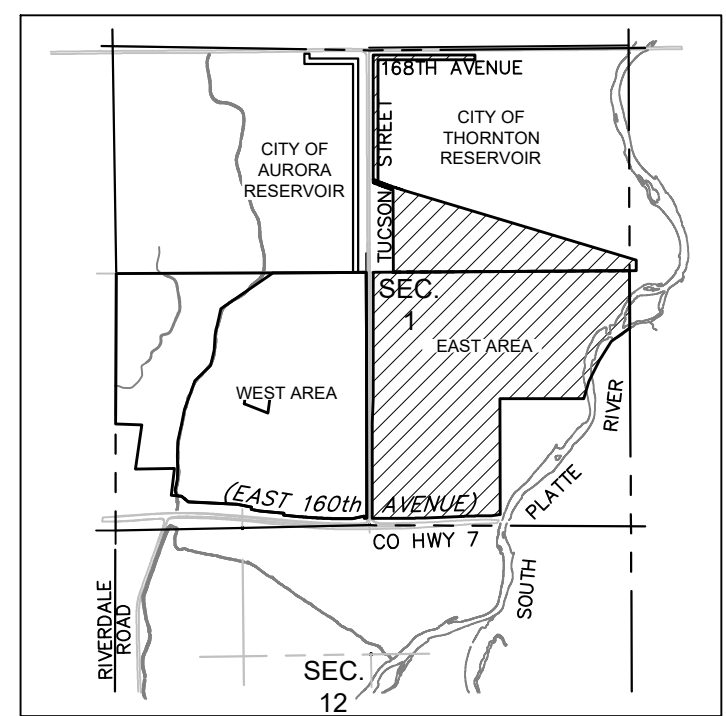
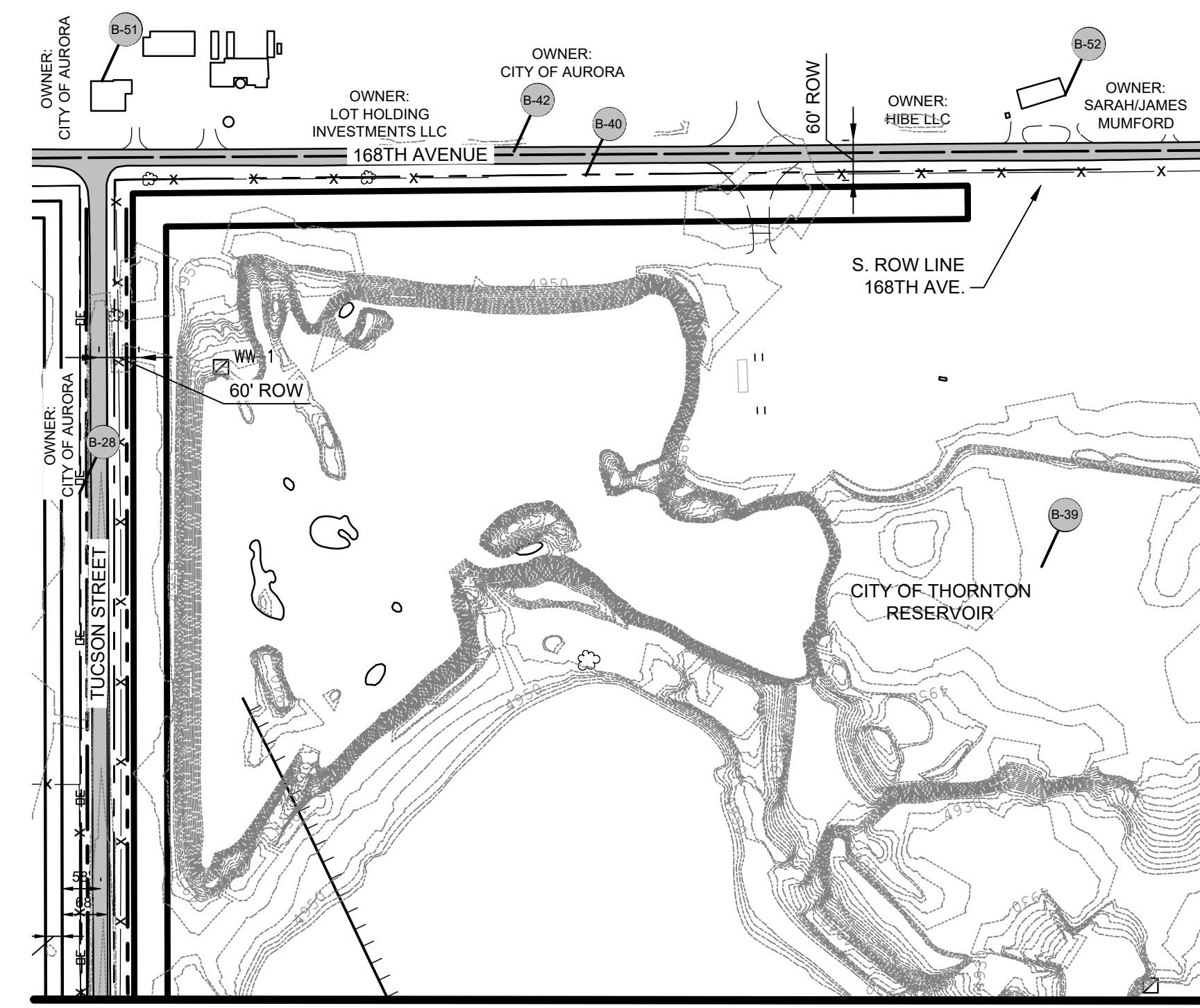
WELL INFORMATION:

☐ MW-# LOCATIONS ARE APPROXIMATE, BASED ON SEO DATABASE AND DOOR TO DOOR SURVEY, AND COULD BE ABANDONED OR DESTROYED. INFORMATION IS FROM TETRA TECH WELL INVENTORY REPORT DATED MARCH 13, 2004.

STRUCTURE LIST

STRUCTURE ID	STRUCTURE DESCRIPTION	OWNER	ADDRESS	RECOMMENDED OFFSET PER STABILITY ANALYSIS (FT)*	STRUCTURE AGREEMENT OR UDFCD OFFSET (FT)	ACTUAL OFFSET FROM MINING EXCAVATION LIMITS (FT)**
STRUCTURES TO BE REMOVED						
A-12	WW-12	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-13	WW-13	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-14	WW-14	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-15	WW-15	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-16	WW-63	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-17	WW-18	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
A-18	PRIVATE RESIDENCE	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	-
STRUCTURES TO BE PROTECTED						
B-21	FENCE	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W. HOWARD PLACE, DENVER, CO, 80204	35	-	55
B-22	CO STATE HIGHWAY 7	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W. HOWARD PLACE, DENVER, CO, 80204	35	-	133
B-23	GAS LINE	XCEL	414 NICOLLET MALL, MINNEAPOLIS, MN, 55401	35	-	104
B-24	TELEPHONE LINE	CENTURY LINK	PO BOX 2560, OMAHA, NE, 68103	35	-	81
B-25	TUCSON STREET	ADAMS COUNTY	4430 S. ADAMS COUNTY PARKWAY, BRIGHTON, COLORADO, 80601	35	-	84
B-26	GAS LINE	XCEL	414 NICOLLET MALL, MINNEAPOLIS, MN, 55401	35	-	158
B-27	WATERLINE	TODD CREEK FARMS METROPOLITAN DIST. NO. 1	7550 EAST 152ND AVE, BRIGHTON, COLORADO, 80401	35	20	200
B-28	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	35	-	126
B-29	FENCE	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	35	-	56
B-30	FENCE	CITY OF AURORA	15151 EAST ALAMEDA PARKWAY, SUITE 3600, AURORA, COLORADO, 80012	35	-	57
B-31	TELEPHONE LINE	CENTURY LINK	PO BOX 2560, OMAHA, NE, 68103	35	-	81
B-32	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	35	-	176
B-33	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	35	-	51
B-34	UNDERGROUND ELECTRIC	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	35	-	68
B-35	FENCE	SAN MARTIN CABALLERO, LLC	13110 E 160TH AVE, BRIGHTON, CO, 80601	-	-	-
B-36	RIVERBANK STABILIZATION	URBAN DRAINAGE AND FLOOD CONTROL DISTRICT	2480 W. 26TH AVE, SUITE 156B, DENVER, COLORADO, 80211	44	200	200 MINIMUM
B-37	RIVERBANK STABILIZATION	URBAN DRAINAGE AND FLOOD CONTROL DISTRICT	2480 W. 26TH AVE, SUITE 156B, DENVER, COLORADO, 80211	44	200	200 MINIMUM
B-38	HIGHWAY 7 BRIDGE	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W. HOWARD PLACE, DENVER, CO, 80204	-	200	338
B-39	THORNTON RESERVOIR	CITY OF THORNTON	9500 CMC DR, THORNTON CO 80229-4326	-	-	335
B-40	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	-	-	2335
B-41	OVERHEAD ELECTRIC WITH POWER POLES	UNITED POWER INC	PO BOX 929, BRIGHTON, CO, 80602	-	-	776
B-42	168TH STREET	ADAMS COUNTY	4430 S. ADAMS COUNTY PARKWAY, BRIGHTON, COLORADO, 80601	-	-	2350
B-43	WATERLINE, WELL, PUMP HOUSE & APPURTENANCES	TODD CREEK FARMS METROPOLITAN DIST. NO. 1	7550 EAST 152ND AVE, BRIGHTON, COLORADO, 80401	-	20	143
B-44	GUARDRAIL	COLORADO DEPARTMENT OF TRANSPORTATION	2829 W. HOWARD PLACE, DENVER, CO, 80204	35	-	162
B-45	INTENTIONALLY NOT USED	-	-	-	-	-
B-46	UNDERGROUND ELECTRIC	TODD CREEK FARMS METROPOLITAN DIST. NO. 1	7550 EAST 152ND AVE, BRIGHTON, COLORADO, 80401	-	20	173
B-47	PRIVATE RESIDENCE AND OUT BUILDINGS	FERNANDO DE LA CRUZ	16400 TUCSON STREET, BRIGHTON, CO, 80601	-	-	292
B-48	PRIVATE RESIDENCE AND OUT BUILDINGS	FERNANDO ARMANDO DE LA CRUZ BRECEDA	16400 TUCSON STREET, BRIGHTON, CO, 80601	-	-	675
B-49	OIL AND GAS FACILITY	GREAT WESTERN OPERATING COMPANY, LLC	-	-	-	916
B-50	ACCESS ROAD	AGGREGATE INDUSTRIES WCR, INC.	1687 COLE BLVD, SUITE 300, GOLDEN, COLORADO, 80401	-	-	839
B-51	PRIVATE RESIDENCE AND OUT BUILDINGS	CHRISTOFER MUEHLER	11585 COUNTY ROAD 2, BRIGHTON, CO, 80603	-	-	2405
B-52	PRIVATE RESIDENCE AND OUT BUILDINGS	JAMES AND SARAH MUMFORD	11835 COUNTY ROAD 2, BRIGHTON, CO, 80603	-	-	2415

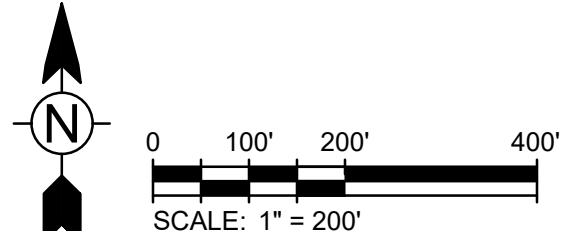
* Offset is selected from nearest feature analyzed in the stability analysis
 ** Actual offset distance is measured from the feature to the mining excavation limit shown on sheet.



CERTIFICATION:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel 07/23/2020



TETRA TECH
 www.tetra.tech.com
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 Longmont, CO 80501
 Phone: (303) 772-5282

MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/8/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/11/20	REMOVE SOUTH AREA FROM MINING LIMIT	MES
5	7/17/20	ADD TRACT N	MES

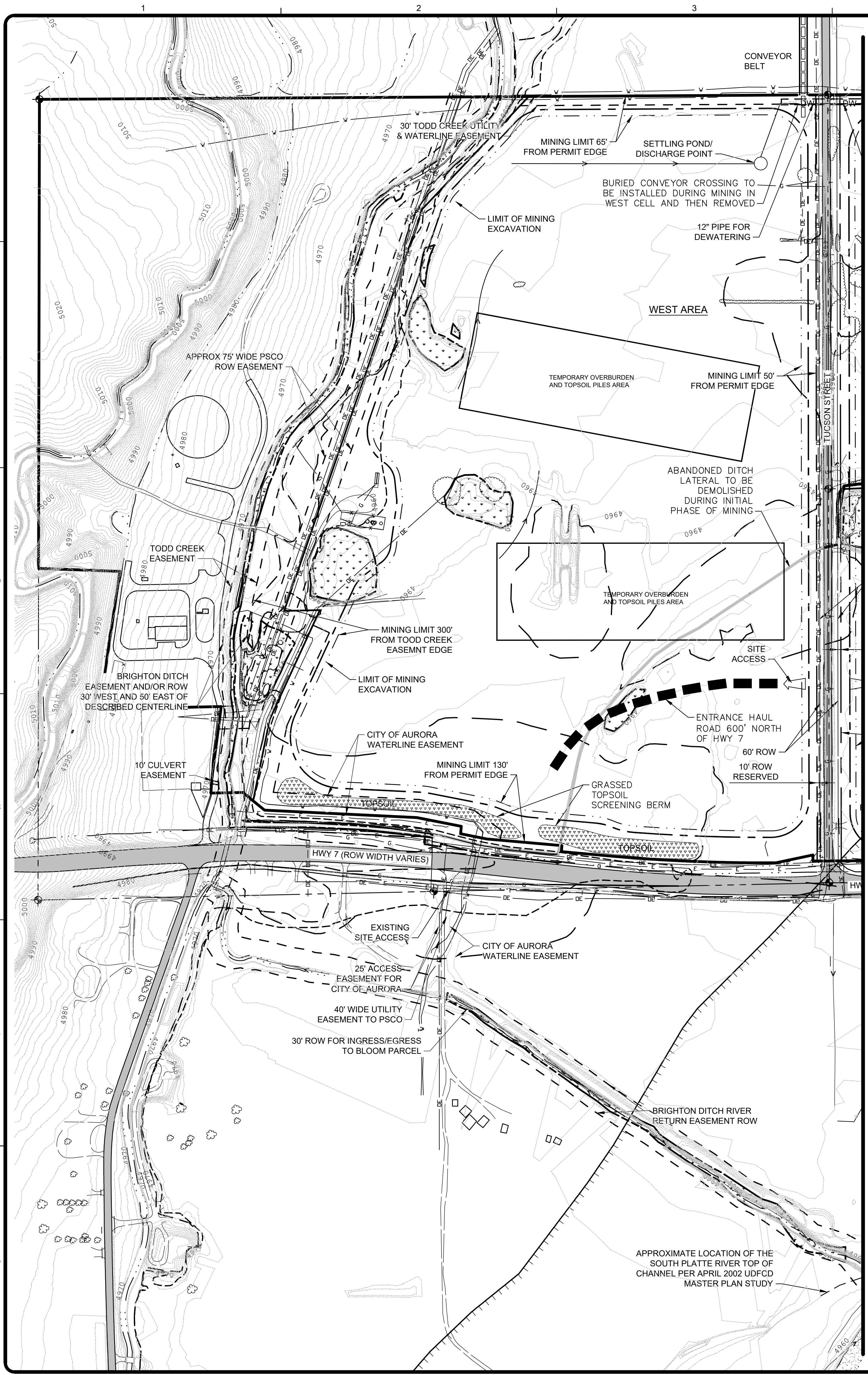
AGGREGATE INDUSTRIES - WCR, INC.
 TUCSON SOUTH RESOURCE
 EXHIBIT C
 PRE-MINING PLAN MAP
 EAST AREA

Project No.: 200-23514-18004
 Designed By:
 Drawn By:
 Checked By:

C-3
 EXHIBIT

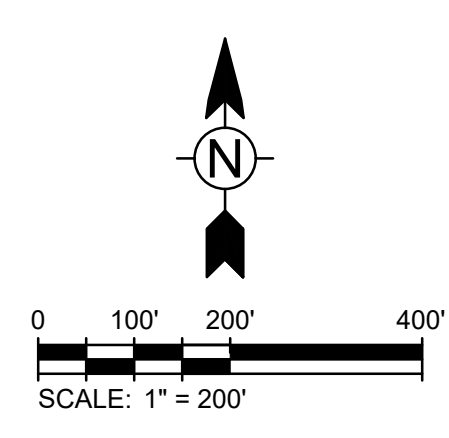
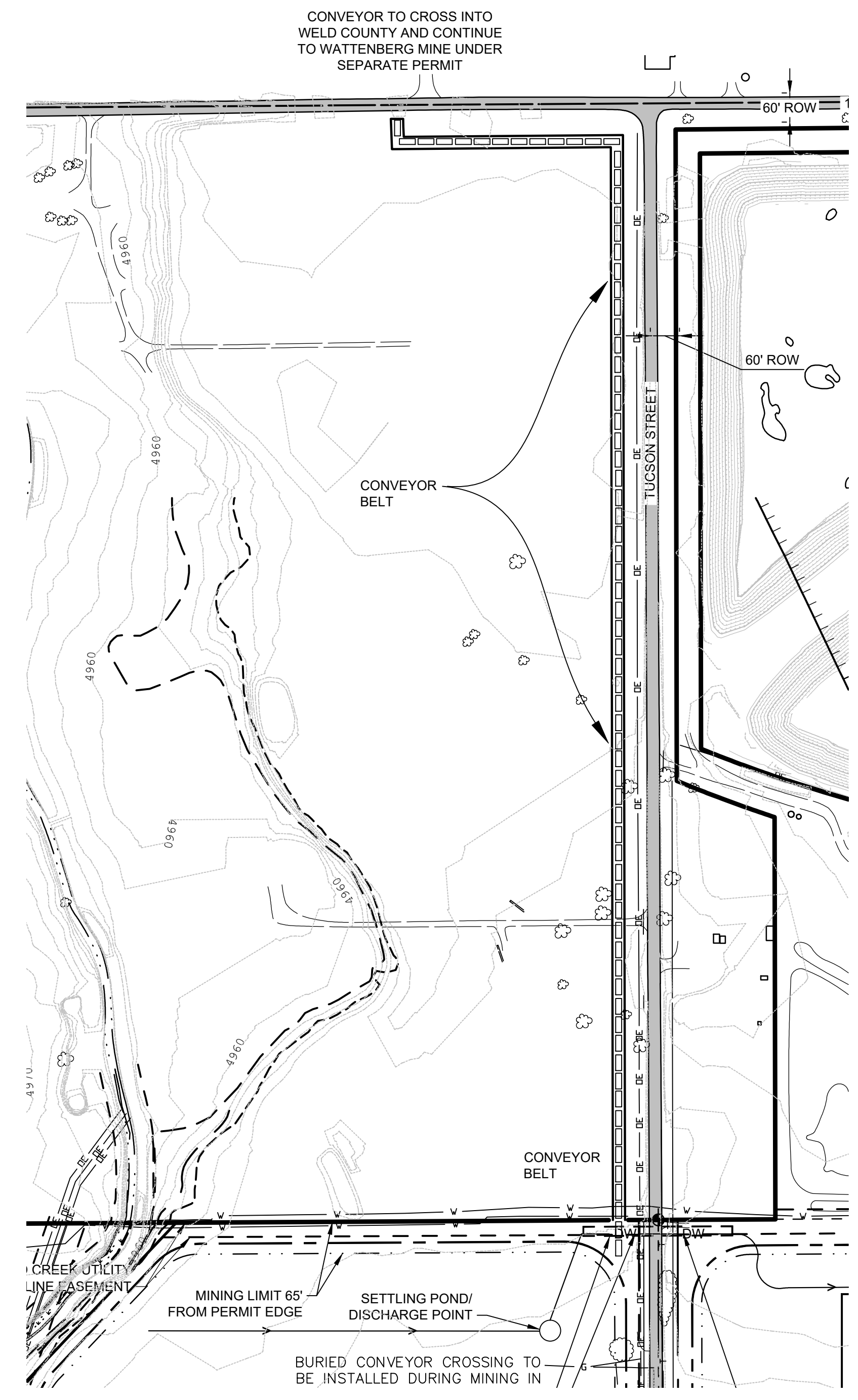
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MATCHLINE SEE SHT C-5

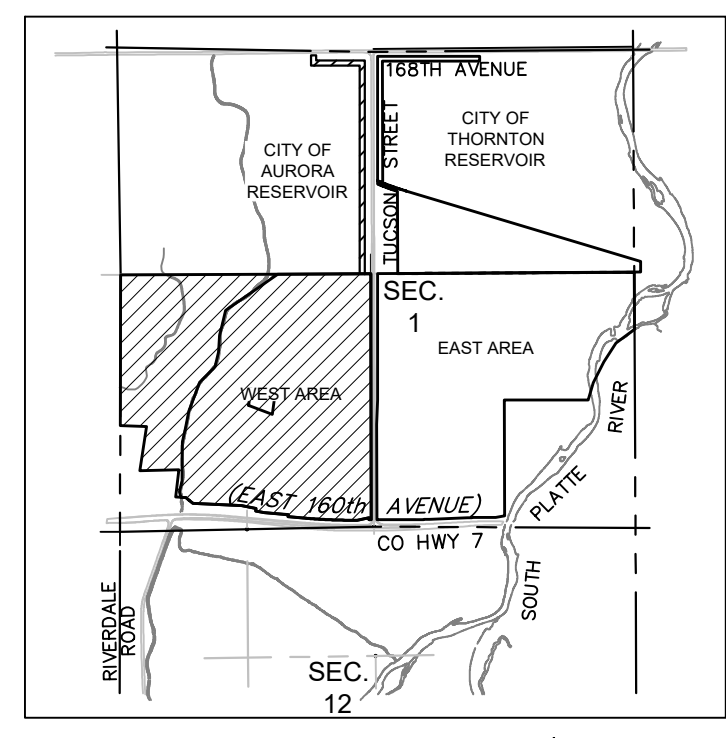
CERTIFICATION:
 THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.
Mark Spaniel 07/23/2020



LEGEND:

	MINE PERMIT BOUNDARY
	TRACT BOUNDARY
	EASEMENT
	EFFECTIVE FLOODWAY
	EFFECTIVE ZONE AE
	EFFECTIVE ZONE X
	PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
	EXISTING WETLAND BOUNDARY
	EXISTING EDGE OF WATER
	EXISTING 2' CONTOURS
	EXISTING FENCE
	EXISTING EDGE OF ROAD
	EXISTING ELECTRIC LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING GAS LINE
	EXISTING WATER LINE
	EXISTING TELEPHONE LINE
	PROPOSED SLURRY WALL
	LIMIT OF MINING EXCAVATION PER SLOPE STABILITY ANALYSIS
	SURFACE DEWATERING TRENCH
	12" PIPE FOR DEWATERING
	ON SITE HAUL ROAD
	ON SITE CONVEYOR
	PROPOSED ACCESS
	OVERBURDEN STOCKPILE
	TOPSOIL STOCKPILE
	TOPSOIL SCREENING BERM W/ GRASS COVER
	SETTLING POND/DISCHARGE POINT
	EXISTING ASPHALT ROAD
	EXISTING SOUTH PLATTE RIVER
	UDFCD STABILIZATION
	EXISTING WETLANDS

NOTE:
 1. CONCEPTUAL UNDERDRAIN AND DETAILS ARE PRESENTED IN EXHIBIT G.



TETRA TECH

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AGGREGATE INDUSTRIES - WCR, INC.
 TUCSON SOUTH RESOURCE
EXHIBIT C
 WEST AREA
 MINING PLAN

Project No.: 200-23514-18004
 Designed By:
 Drawn By:
 Checked By:

MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/8/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/1/20	REMOVE SOUTH AREA FROM MINING PLAN	MES
5	7/17/20	ADD TRACT N & MOVED BELT TO TRACT N	MES

C-4

EXHIBIT

Bar Measures 1 inch

Copyright: Tetra Tech

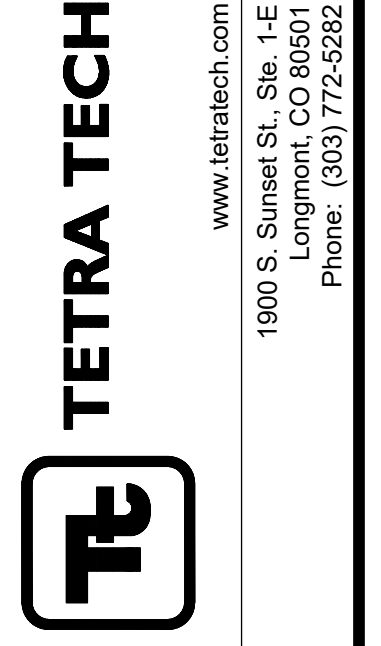
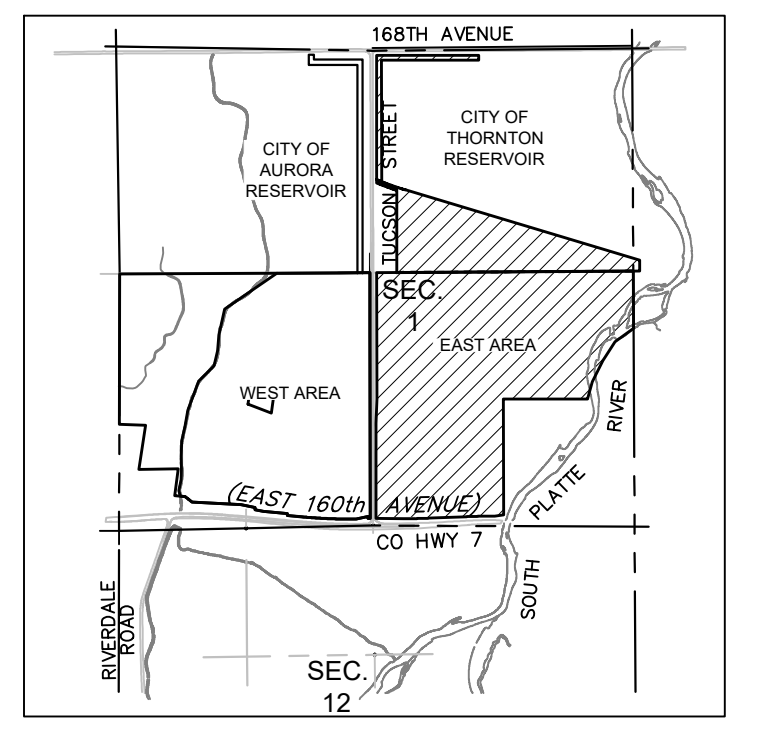
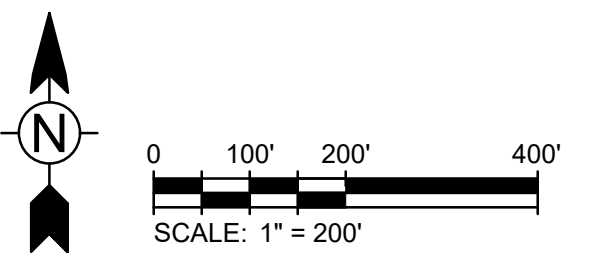
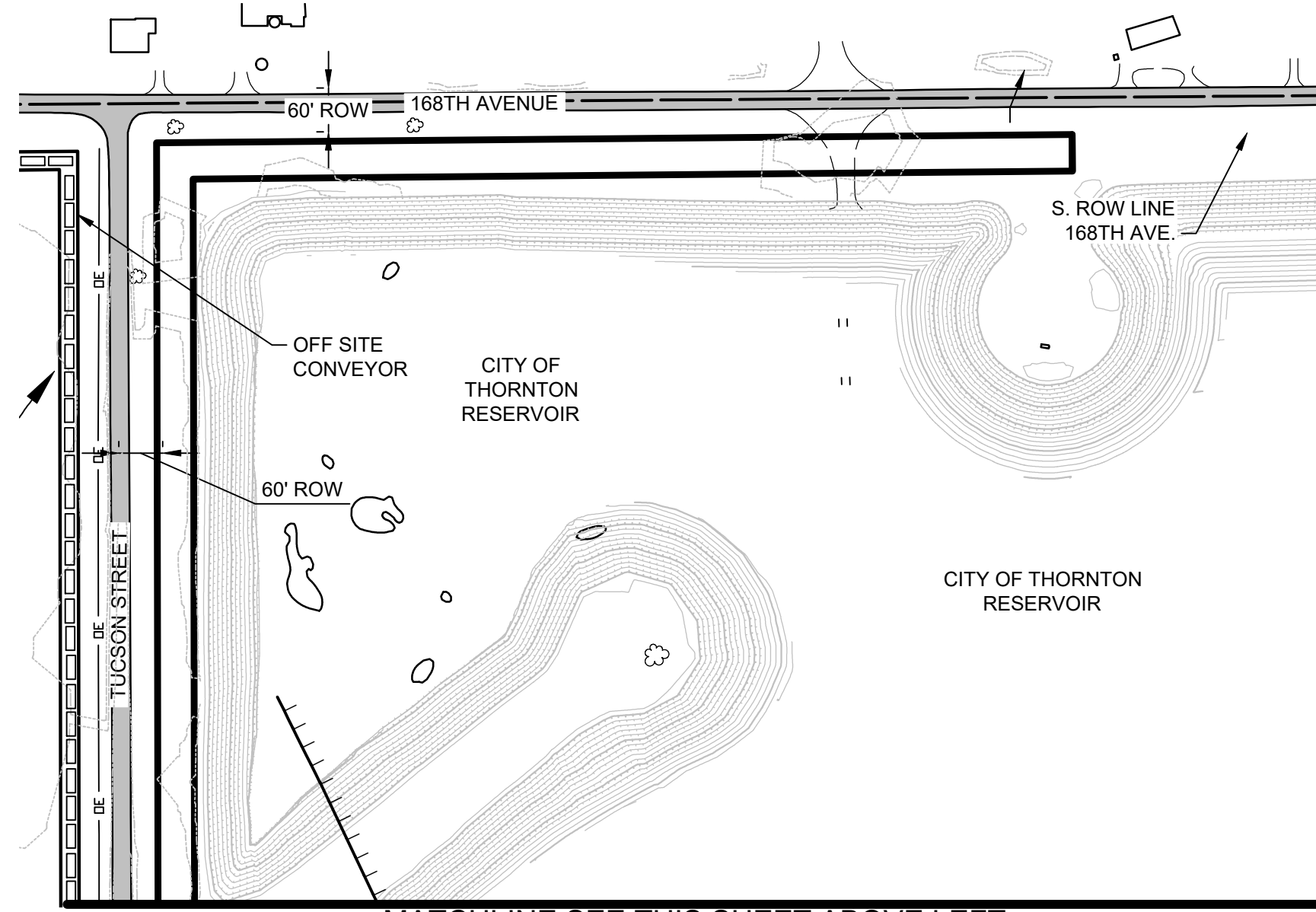
MATCHLINE SEE THIS SHEET BELOW RIGHT

CERTIFICATION:
 THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH,
 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK
 SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel 07/23/2020

- LEGEND:**
- MINE PERMIT BOUNDARY
 - - - TRACT BOUNDARY
 - - - EASEMENT
 - - - EFFECTIVE FLOODWAY
 - - - EFFECTIVE ZONE AE
 - - - EFFECTIVE ZONE X
 - - - PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
 - - - EXISTING WETLAND BOUNDARY
 - - - EXISTING EDGE OF WATER
 - - - EXISTING 2' CONTOURS
 - x - x - x - x - EXISTING FENCE
 - - - EXISTING EDGE OF ROAD
 - E - E - E - EXISTING ELECTRIC LINE
 - OE - EXISTING OVERHEAD ELECTRIC LINE
 - G - EXISTING GAS LINE
 - W - EXISTING WATER LINE
 - OT - EXISTING TELEPHONE LINE
 - - - PROPOSED SLURRY WALL
 - - - LIMIT OF MINING EXCAVATION PER SLOPE STABILITY ANALYSIS
 - - - SURFACE DEWATERING TRENCH
 - DW - DW - DW - 12" PIPE FOR DEWATERING
 - ON SITE HAUL ROAD
 - ON SITE CONVEYOR
 - PROPOSED ACCESS
 - ▨ OVERBURDEN STOCKPILE
 - ▩ TOPSOIL STOCKPILE
 - ▩ TOPSOIL SCREENING BERM W/ GRASS COVER
 - SETTLING POND/DISCHARGE POINT
 - EXISTING ASPHALT ROAD
 - ▨ EXISTING SOUTH PLATTE RIVER
 - ▩ UDFCD STABILIZATION
 - ▩ EXISTING WETLANDS

NOTE:
 1. CONCEPTUAL UNDERDRAIN AND DETAILS ARE PRESENTED IN EXHIBIT G.



MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/8/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/1/20	REMOVE SOUTH AREA FROM MINING PLAN	MES
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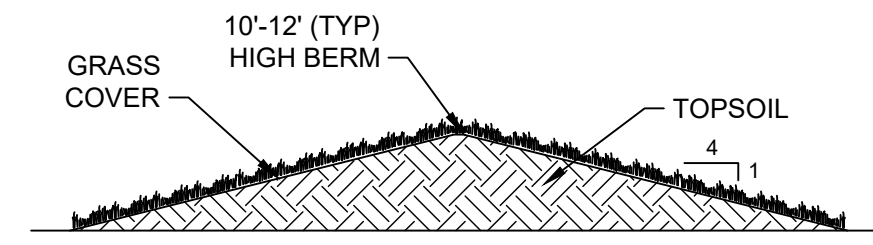
AGGREGATE INDUSTRIES - WCR, INC.
 TUCSON SOUTH RESOURCE
EXHIBIT C
EAST AREA
MINING PLAN

Project No.: 200-23514-18004
 Designed By:
 Drawn By:
 Checked By:

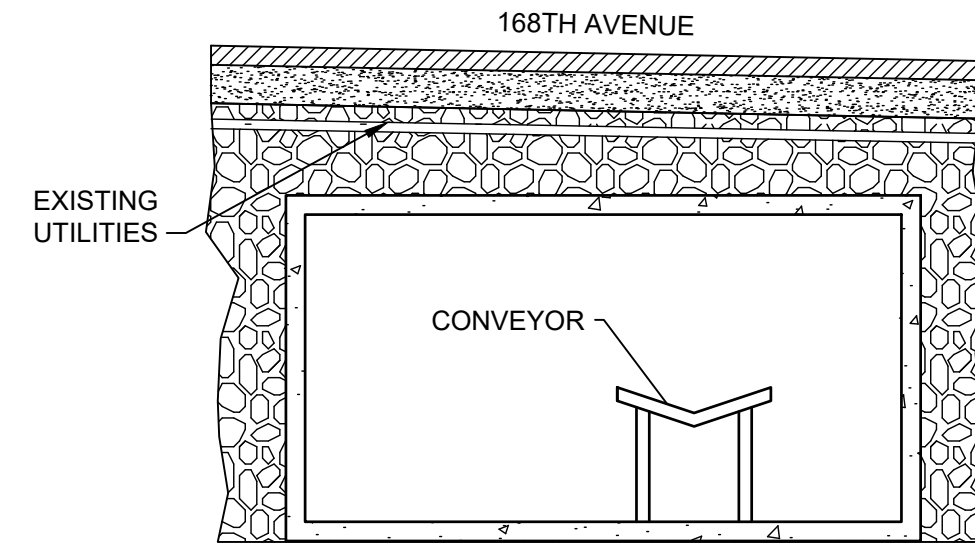
C-5
 EXHIBIT

Bar Measures 1 inch

4/29/2020 3:16:28 PM - DRAWING1.DWG - ANDRYALUSKAS, JEREMY

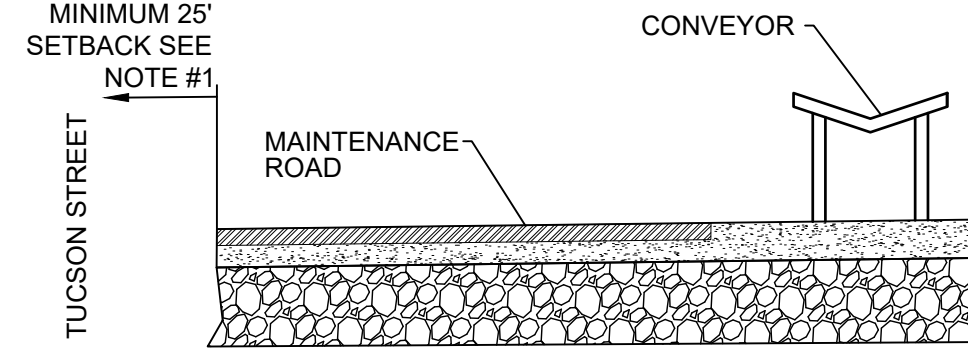


1
-
NTS
TEMPORARY GRASS SCREENING BERM



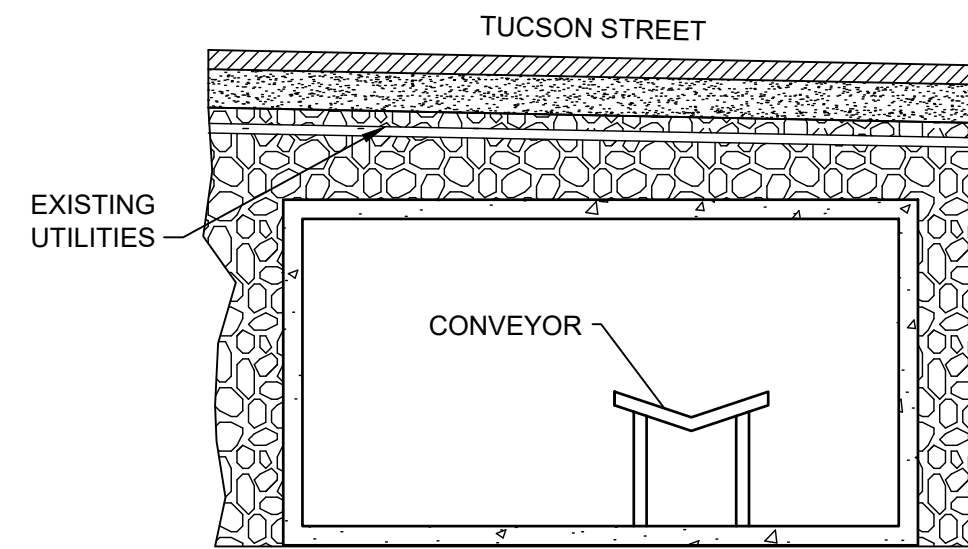
- NOTE:**
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER 168TH AVENUE IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.
 2. CONVEYOR UNDER 168TH STREET WILL BE PERMITTED THROUGH AN AMENDMENT TO WATTENBERG LAKES (M-2004-051) 112 PERMIT.

2
-
NTS
168TH AVENUE CONVEYOR CROSSING DETAIL



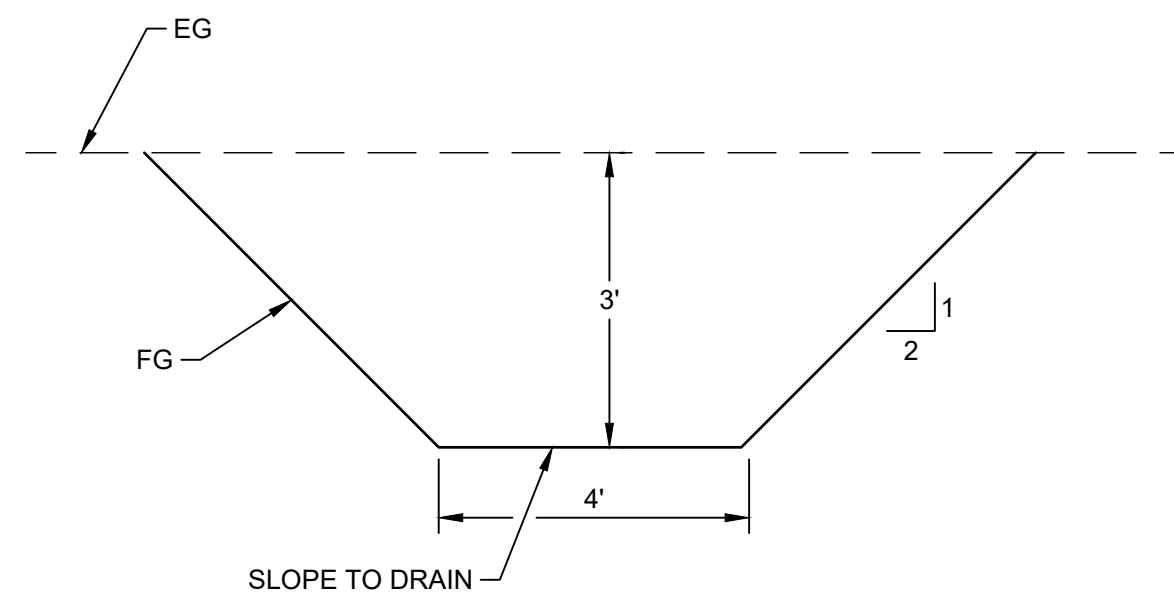
- NOTE:**
1. CONVEYOR ACCESS AND MAINTENANCE ROAD SHALL BE SETBACK A MINIMUM OF 25' FROM TUCSON STREET.

3
-
NTS
ON-SITE ABOVE GROUND CONVEYOR SYSTEM DETAIL

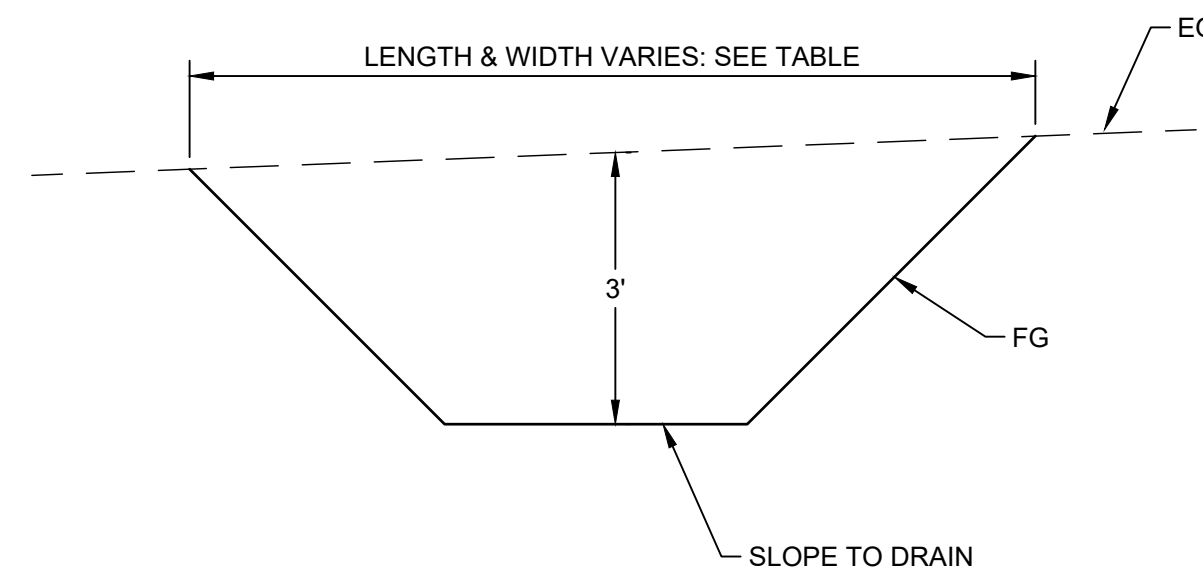


- NOTE:**
1. THIS DETAIL IS INTENDED TO BE CONCEPTUAL DESIGN. INSTALLATION OF THE CONVEYOR CROSSING BOX UNDER TUCSON STREET IS SUBJECT TO APPROVAL OF ADAMS COUNTY AND WELD COUNTY PUBLIC WORKS DEPT. AND COORDINATION WITH EXISTING UTILITIES.

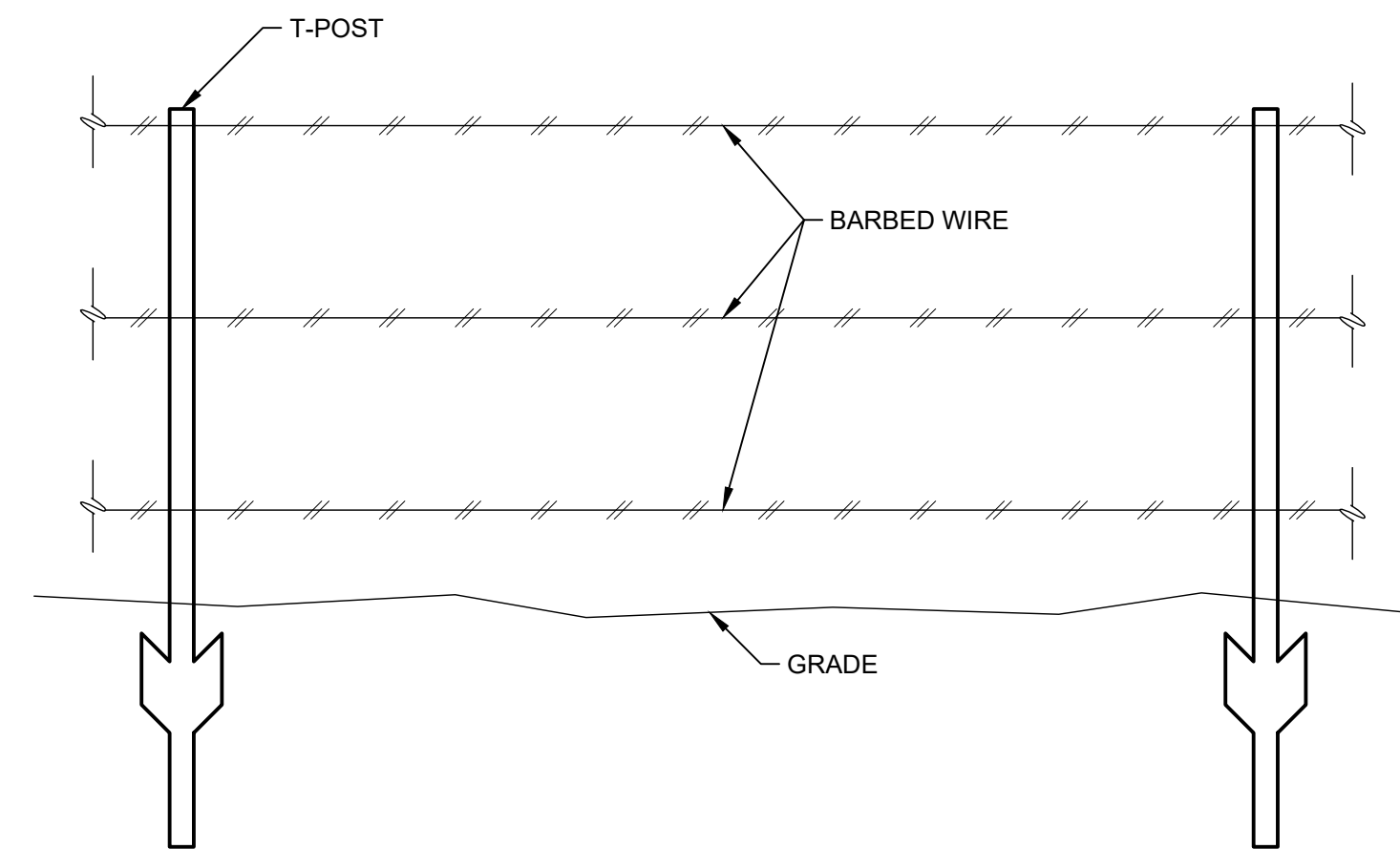
4
-
NTS
TUCSON STREET CONVEYOR CROSSING DETAIL



5
-
NTS
TYPICAL SURFACE WATER DIVERSION CHANNEL



6
-
NTS
TYPICAL SURFACE WATER DIVERSION CHANNEL



7
-
NTS
3-WIRE FARM FENCE DETAIL

CERTIFICATION:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel

07/23/2020



www.tetratech.com
1900 S. Sunset St., Ste. 1-E
Longmont, CO 80501
Phone: (303) 772-5282

MARK	DATE	DESCRIPTION	BY	TH
1	3/15/19	FIRST ADEQUACY REVIEW RESPONSE		

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH RESOURCE
EXHIBIT C
MINING PLAN DETAILS

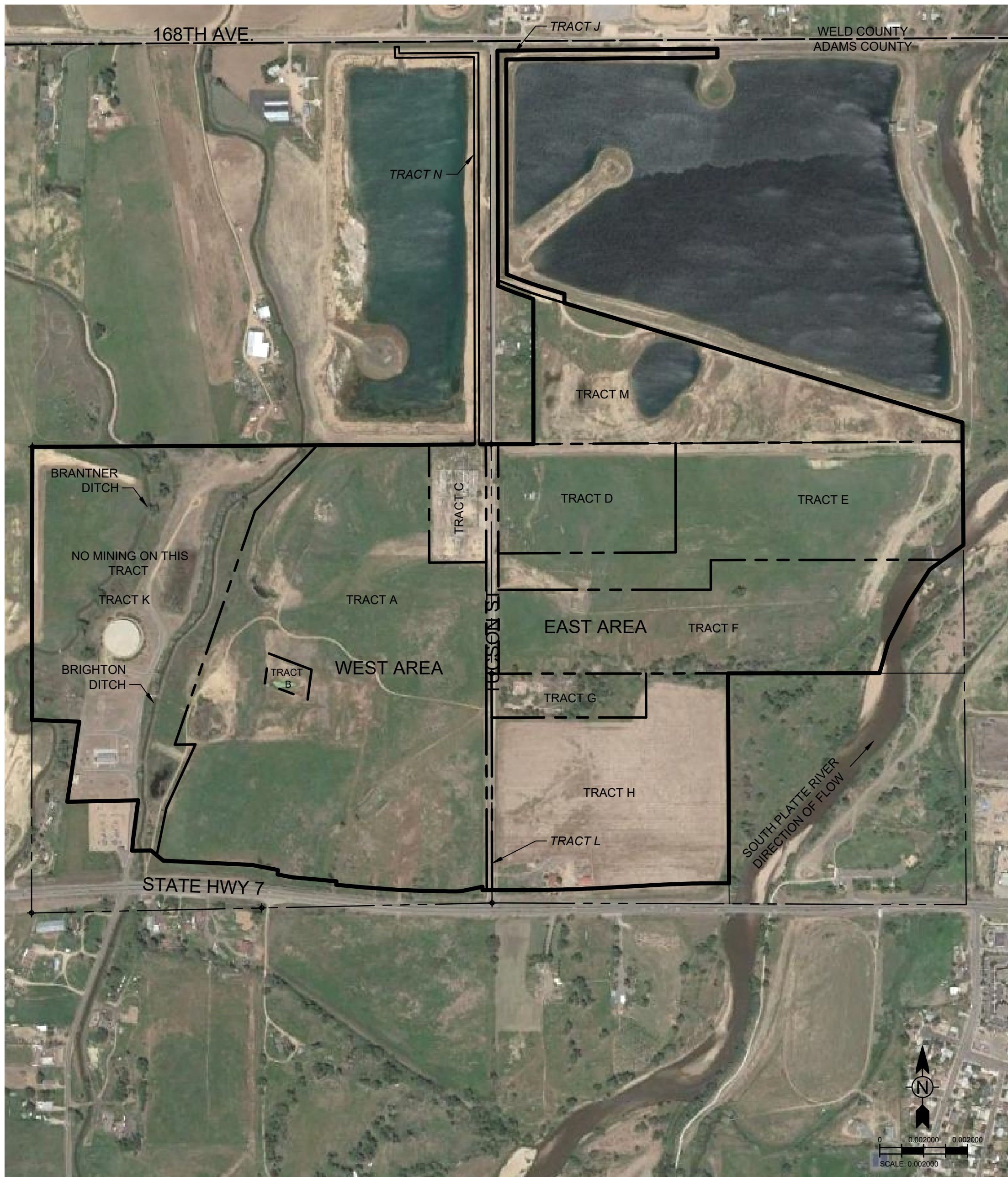
Project No.:	200-23514-18004
Designed By:	JAB
Drawn By:	JJA
Checked By:	JAB

C-6
EXHIBIT

Bar Measures 1 inch

7/1/2019 9:36:08 AM - C:\PROJECTS\DENVER\23514\133-23514-17005\CAD\SHSHEETFILES\DRMS\C-5 EXHIBIT C EAST AREA (PHASE 3) MINING PLAN.DWG - ANDRYAUSKAS, JEREMY

Copyright: Tetra Tech



TUCSON SOUTH RESOURCE RECLAMATION PLAN MAPS

GRAVEL MINING APPLICANT / OPERATOR:

AGGREGATE INDUSTRIES-WCR, INC.
1687 COLE BLVD, SUITE 300
GOLDEN, COLORADO 80401

SURFACE OWNERS:

AGGREGATE INDUSTRIES-WCR, INC. (TRACTS A, B, D, E, F, H, I, AND M)
1687 COLE BLVD, SUITE 300
GOLDEN, COLORADO 80401

CITY OF AURORA (TRACTS C, G, AND K)
15151 EAST ALAMEDA PARKWAY
SUITE 3800
AURORA, COLORADO 80012

CITY OF THORNTON (TRACT J)
12450 WASHINGTON STREET
THORNTON, COLORADO 80241

ADAMS COUNTY (TRACT L)
ADAMS COUNTY GOVERNMENT CENTER
4430 SOUTH ADAMS COUNTY PARKWAY
BRIGHTON, COLORADO 80601

RECLAMATION AREA ACREAGE TABLE:

RECLAMATION PLAN AREAS	ACREAGES
MINING AREAS RECLAIMED TO WATER STORAGE	155.8
DISTURBED, BUT NOT MINED LAND RECLAIMED TO UPLAND MEADOW	86.7
UNDISTURBED AREAS OUTSIDE AFFECTED AREA	49.0
TUCSON STREET ROW	2.9
TOTAL	294.4

LEGAL DESCRIPTIONS:

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 1, TOWNSHIP 1 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. 201600080881, 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 AND THE POINT OF BEGINNING; THENCE N. 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 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: S83°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 J

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 SOUTH 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°16'45" 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°08'29" EAST 1234.13 FEET TO A POINT WHEN THE SOUTH ONE-QUARTER CORNER OF SECTION 1 BEARS SOUTH 00°08'29" 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°08'29" 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 69°36' 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 70°16' EAST 305.80 FEET; THENCE SOUTH 70°16' EAST 2463.67 FEET; THENCE SOUTH 108.13 FEET TO THE POINT OF BEGINNING.

TRACT N

A PORTION OF A PARCEL OWNED BY THE CITY OF AURORA (PN: 157101200010) A STRIP OF LAND BEING 25 FEET IN WIDTH, TO BE USED AS AN EASEMENT LOCATED IN THE NORTHWEST OF SECTION 1 TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, SAID 25 FOOT WIDE STRIP OF LAND BEING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID LINE ALSO BEING THE SOUTH LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, RECEPTION NUMBER 2010-018, SOUTH 89°38'46" WEST A DISTANCE OF 68.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°06'37" WEST, A DISTANCE OF 2219.37 FEET, SAID LINE BEING 68.20 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, AND 27.02 FEET WEST OF THE EAST LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF TUCSON STREET; THENCE SOUTH 89°31'48" WEST, A DISTANCE OF 450.84 FEET, BEING 32.79 FEET SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID PARCEL AS RECORDED AT BOOK 1, PAGE 3795; SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 168TH AVE, ALSO KNOWN AS BASELINE ROAD, SAID LINE ALSO BEING 72.92 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 57 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE NORTH 02°04'13" WEST, A DISTANCE OF 32.67 FEET TO THE POINT OF TERMINUS, FROM WHENCE THE NORTH EAST CORNER OF THE NORTHWEST QUARTER BEARS NORTH 85°06'18" EAST, A DISTANCE 521.97 FEET.

RECLAMATION NOTES:

- ALL FINAL RECLAIMED RESERVOIR SIDE SLOPES SHALL BE NO STEEPER THAN 3H:1V. 6" - 12" OF TOPSOIL WILL BE PLACED ON ALL SLOPES ABOVE THE ASSUMED HIGH-WATER LINE. RE-VEGETATION SHALL USE SEED MIXES LISTED IN TABLE BELOW, OR SIMILAR ALTERNATE MIX BASED ON COMMERCIAL AVAILABILITY AT THE TIME OF RECLAMATION. ALL SUBSTITUTIONS WILL BE DETERMINED IN CONSULTATION WITH QUALIFIED EXPERTS, AND APPROPRIATE TO THE REGION AND SOIL REGIME.
- HIGH WATER LINE IS APPROXIMATE BASED ON AN ASSUMED 1' FREEBOARD.
- AREAS TO BE RECLAIMED AS UPLAND WILL RECEIVE A MINIMUM OF 6" - 12" TOPSOIL TO BETTER ESTABLISH GRASSES AND PLANTINGS.
- PLANTINGS WILL BE INSTALLED WHEN MINING COMMENCES IN THE EAST CELL (PHASE 2). PLANTINGS WILL BE INSTALLED BY A RECLAMATION CONTRACTOR IN SEPTEMBER AND HAND WATERED UNTIL THE GROUND FREEZES. PLANTINGS WILL BE MONITORED IN THE SPRING TO MAKE SURE THEY ARE LEAVING OUT, REPLACED AS NECESSARY TO PROVIDE THE QUANTITIES AS ORIGINALLY INSTALLED AND WATERED AS NECESSARY THROUGH THE FIRST THREE GROWING SEASONS TO ESTABLISH.
- AT RECLAMATION, AGGREGATE INDUSTRIES-WCR, INC. WILL ATAIN UDS&FO APPROVAL OF PLANTING LOCATIONS WITHIN THE UDS&FO EASEMENT ALONG THE SOUTH PLATTE RIVER PRIOR TO INSTALLATION.
- SEEDING WILL BE DONE DURING THE FIRST FAVORABLE SEEDING SEASON FOLLOWING TOPSOIL PLACEMENT. BASED ON RECOMMENDATION OF THE NRCS, IT IS ANTICIPATED THAT SEEDING WILL BE DONE BETWEEN OCT 15 AND MAY 1, UNLESS WEATHER CONDITIONS REQUIRE SEEDING OUTSIDE THESE MONTHS.
- CERTIFIED WEED-FREE STRAW CRIMPED INTO TOPSOIL WILL BE USED WHERE GRASSES ARE TO BE ESTABLISHED ABOVE THE HIGH-WATER LINE ON RESERVOIR SIDESLOPES, OR NEW SEEDS PLANTED INTO A COVER CROP.
- NATIVE TREES AND SHRUBS WILL BE PLANTED ON THE WESTERN SIDE BETWEEN THE RIVER AND EAST RESERVOIR.

SEED MIX AND SEED MIX NOTES:

UPLAND MEADOW GRASS SEED	SCIENTIFIC NAME	VARIETY	% OF MIX	APPLICATION RATE* (#/LS/ACRE)
BIG BLUESTEM	ANDROPOGON GERARDII	KAW	15%	1.7
BLUE GRAMA	BOUTELOUA GRACILIS	HACHITA, LOVINGTON	10%	0.3
GREEN NEEDLAGRASS	NASSELLA VIRIDULA	LODOM	15%	1.5
SIDE-OAT-S GRAMA	BOUTELOUA CURTIPENDULA	VAUGHN, BUTTE	10%	1
SWIT CHGRASS	PANICUM VIRGATUM	BLACKWELL	20%	2
WESTERN WHEAT GRASS	PASCOPYRUM SMITHII	ARRIBA, BARTON	30%	4.8
TOTAL				11.3

*APPLICATION RATE IS FOR DRILL SEEDING. IF SEED IS TO BE BROADCAST, THE APPLICATION RATE WILL BE DOUBLED.

TEMPORARY STOCKPILE VEGETATION:

LUNA PUBESCENT WHEAT GRASS - 15 LB/AC
AMUR INTERMEDIATE WHEAT GRASS - 15 LB/AC

CERTIFICATION:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRATECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel

07/23/2020

SHEET INDEX:

F-1 COVER SHEET & RECLAMATION NOTES
F-2 RECLAMATION PLAN MAP - WEST AREA
F-3 RECLAMATION PLAN MAP - EAST AREA

TETRA TECH



www.tetratech.com
1900 S. Sunset St., Ste. 1-E
Longmont, CO 80501
Phone: (303) 772-5282

MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/18/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/1/20	REMOVE SOUTH AREA FROM REC PLAN	MES
5	7/17/20	ADD TRACT N	MES

AGGREGATE INDUSTRIES - WCR, INC.

TUCSON SOUTH RESOURCE

EXHIBIT F

COVER SHEET & RECLAMATION NOTES

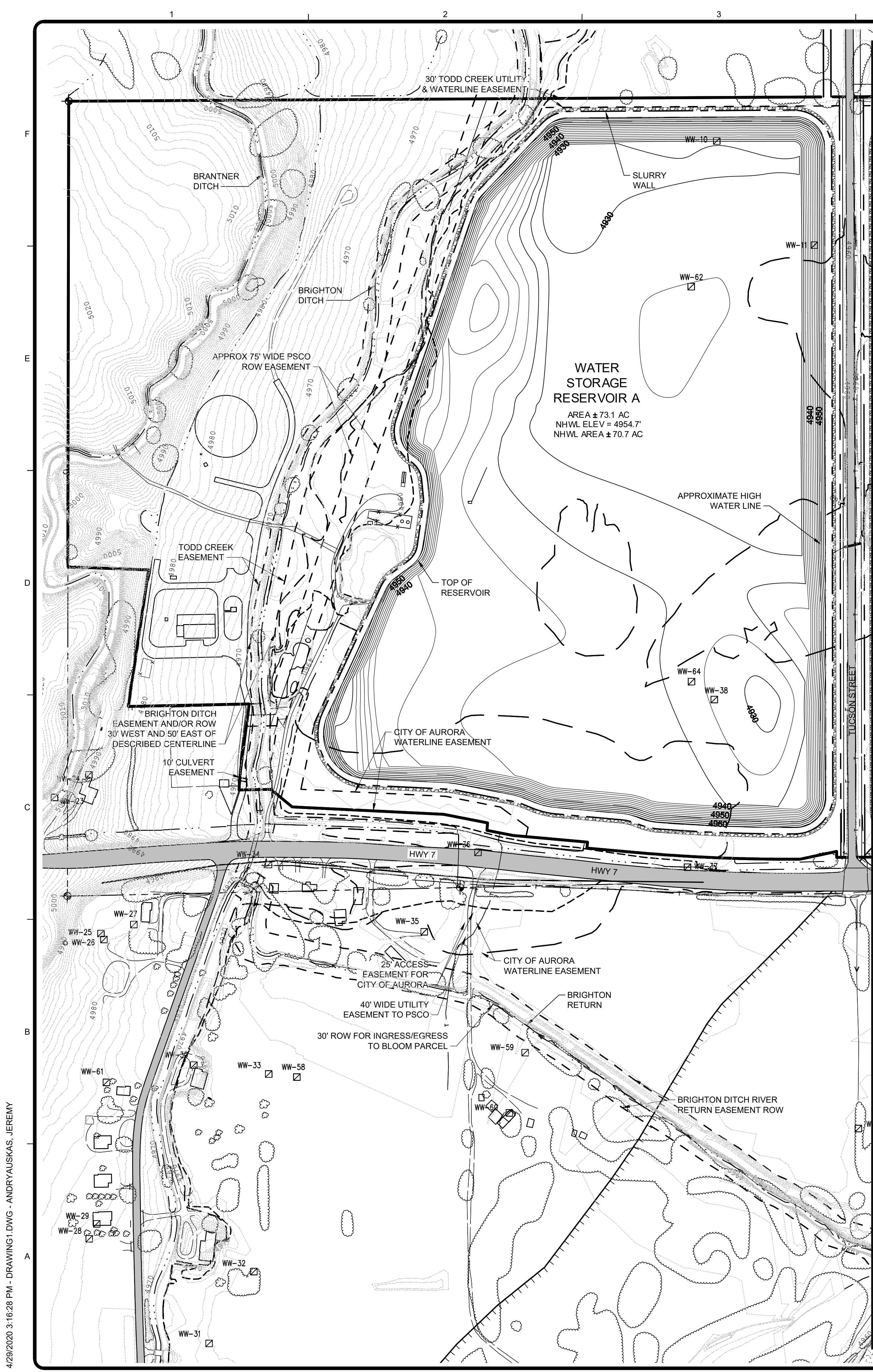
Project No.: 200-23514-18004
Designed By: JAB
Drawn By: JAB
Checked By: JAB

F-1

EXHIBIT

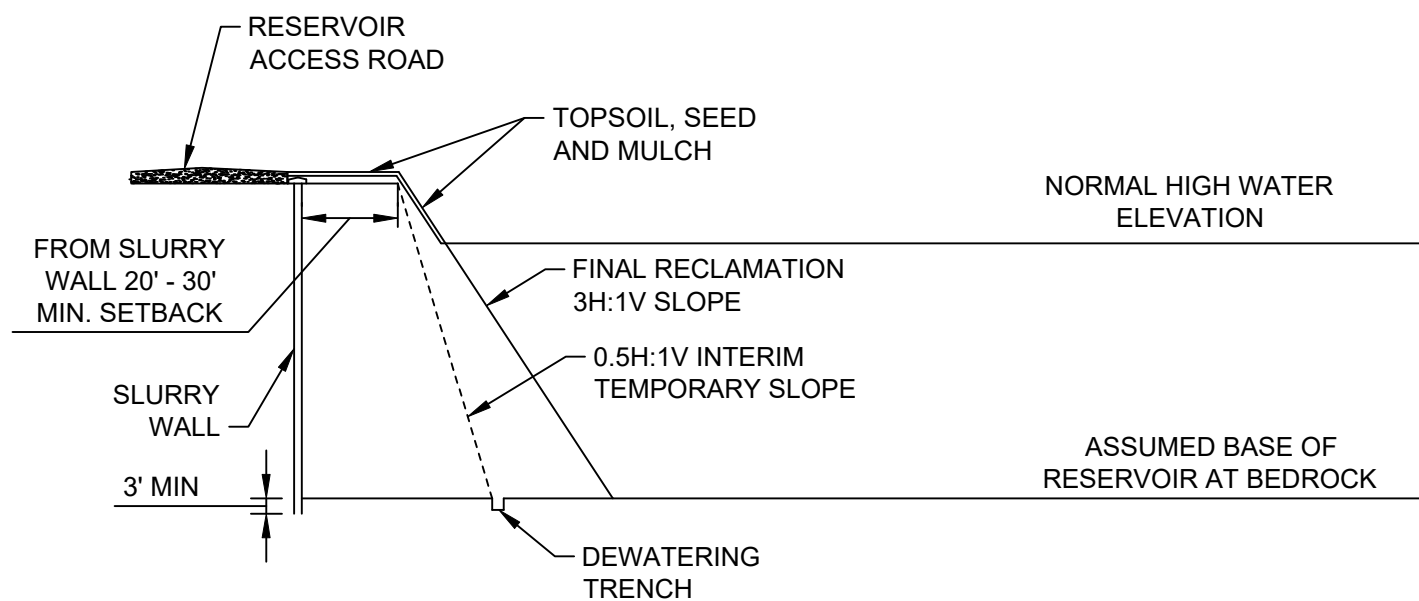
Bar Measures 1 inch

Copyright: Tetra Tech

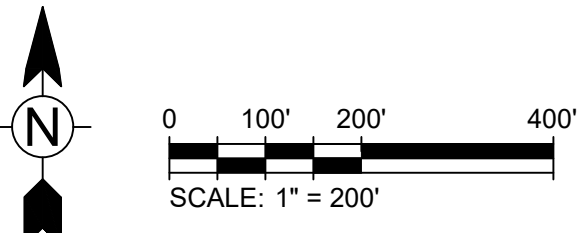


CERTIFICATION:
 THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRATECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel 07/17/2020

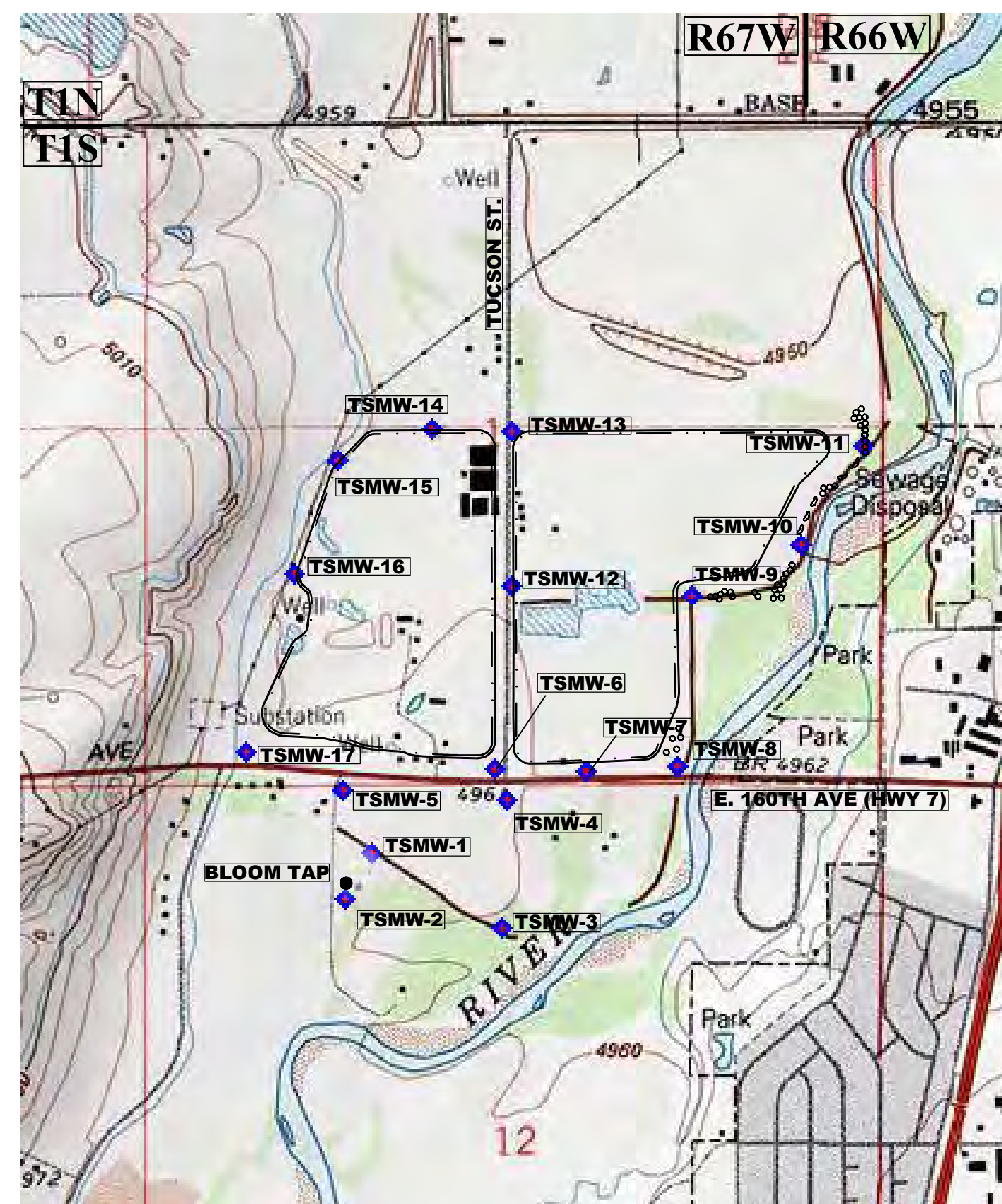
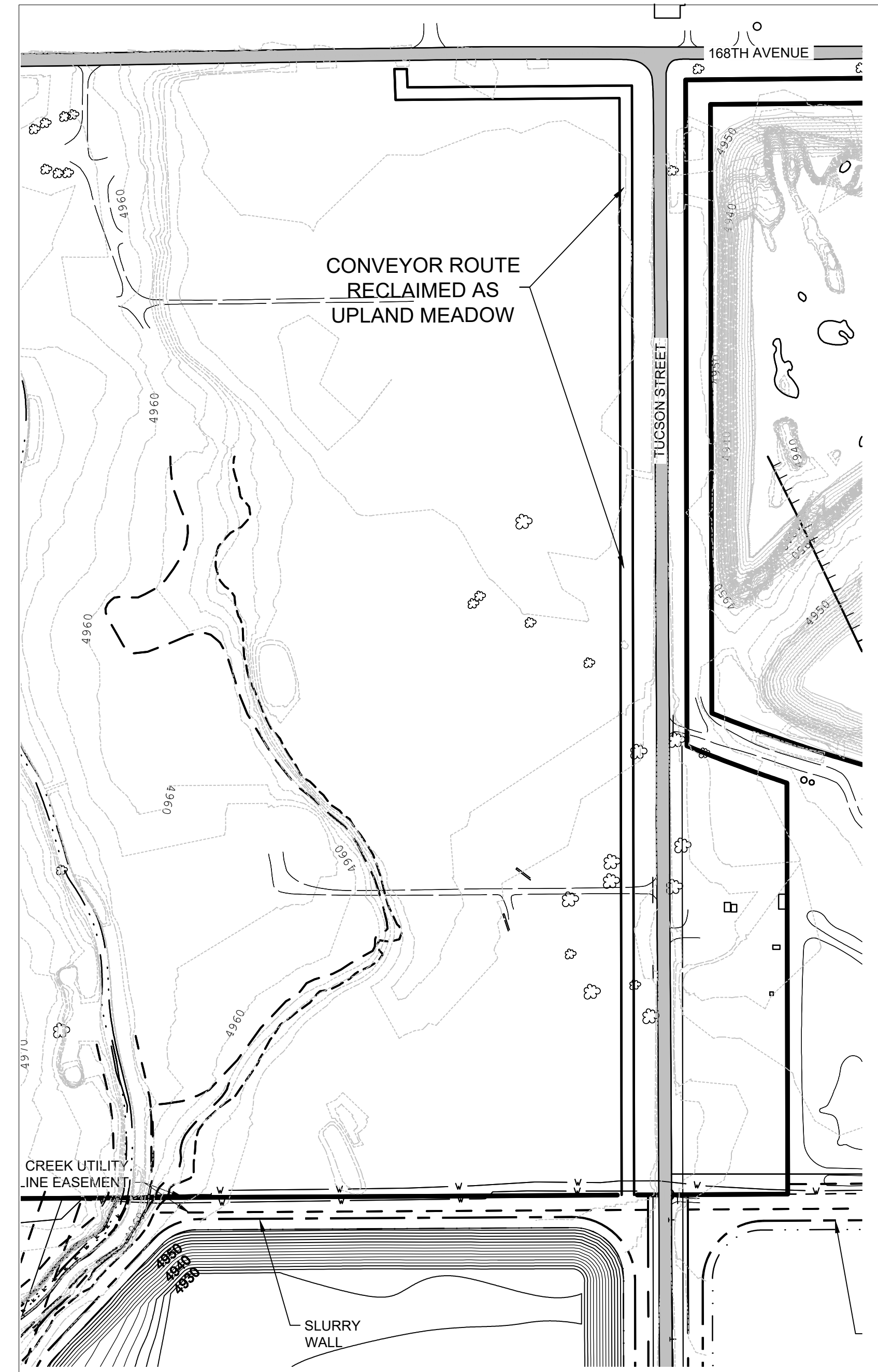


1 TYPICAL RESERVOIR CROSS-SECTION
 NTS
 NOTE: UNDERGROUND UTILITIES NOT SHOWN.

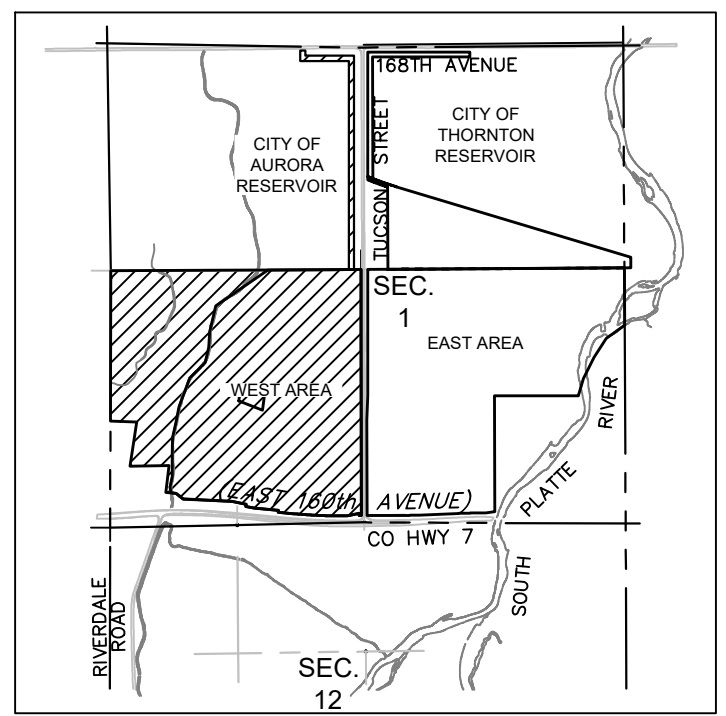


LEGEND:

---	MINE PERMIT BOUNDARY
---	TRACT BOUNDARY
---	EASEMENT
---	EFFECTIVE FLOODWAY
---	EFFECTIVE ZONE AE
---	EFFECTIVE ZONE X
---	PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
---	EXISTING WETLAND BOUNDARY
---	EXISTING EDGE OF WATER
---	EXISTING 2' CONTOURS
-x-x-x-x-	EXISTING FENCE
---	EXISTING EDGE OF ROAD
---	EXISTING ELECTRIC LINE
---	EXISTING OVERHEAD ELECTRIC LINE
---	EXISTING GAS LINE
---	EXISTING WATER LINE
---	EXISTING TELEPHONE LINE
---	PROPOSED SLURRY WALL
---	PROPOSED 2' CONTOURS
---	RESERVOIR ACCESS ROAD
---	EXISTING ASPHALT ROAD
---	EXISTING SOUTH PLATTE RIVER
---	UDFCD STABILIZATION
---	NHWL
---	NORMAL HIGH WATER LINE



MONITORING WELL LOCATION MAP
 NTS

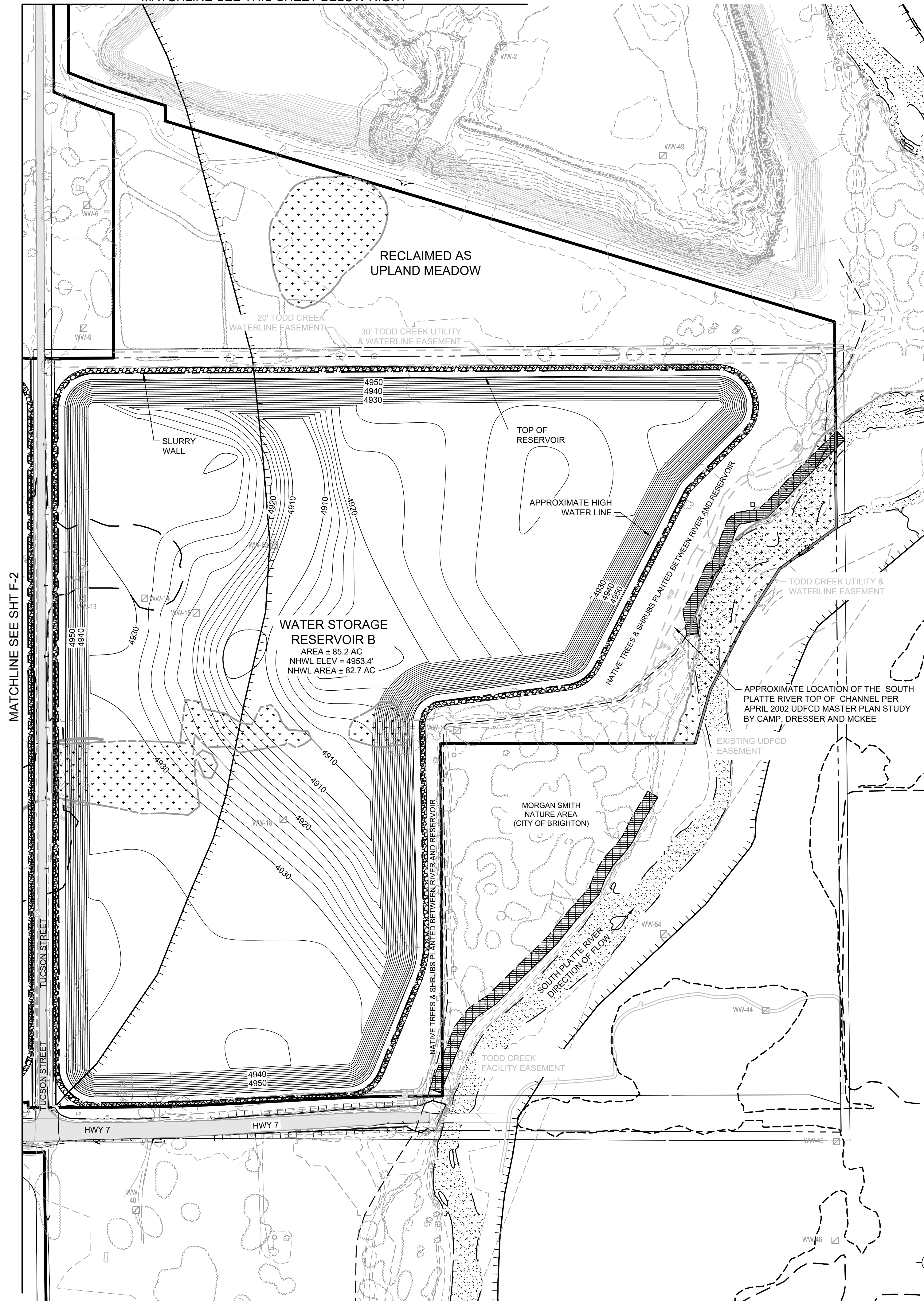


MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/18/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/1/20	REMOVE SOUTH AREA FROM REC PLAN	MES
5	7/17/20	ADD TRACK N	MES

4/29/2020 3:16:28 PM - DRAWING1.DWG - ANDRYAUSKAS, JEREMY

7/1/2019 9:38:24 AM - I:\LOCAL\PROJECTS\DRM\23514\133-23514-17005\CAD\SHEETFILES\DRM\F-3 EXHIBIT F EAST AREA RECLAMATION PLAN.DWG - ANDRYAUSKAS, JEREMY

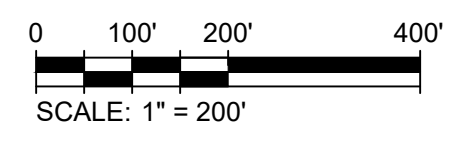
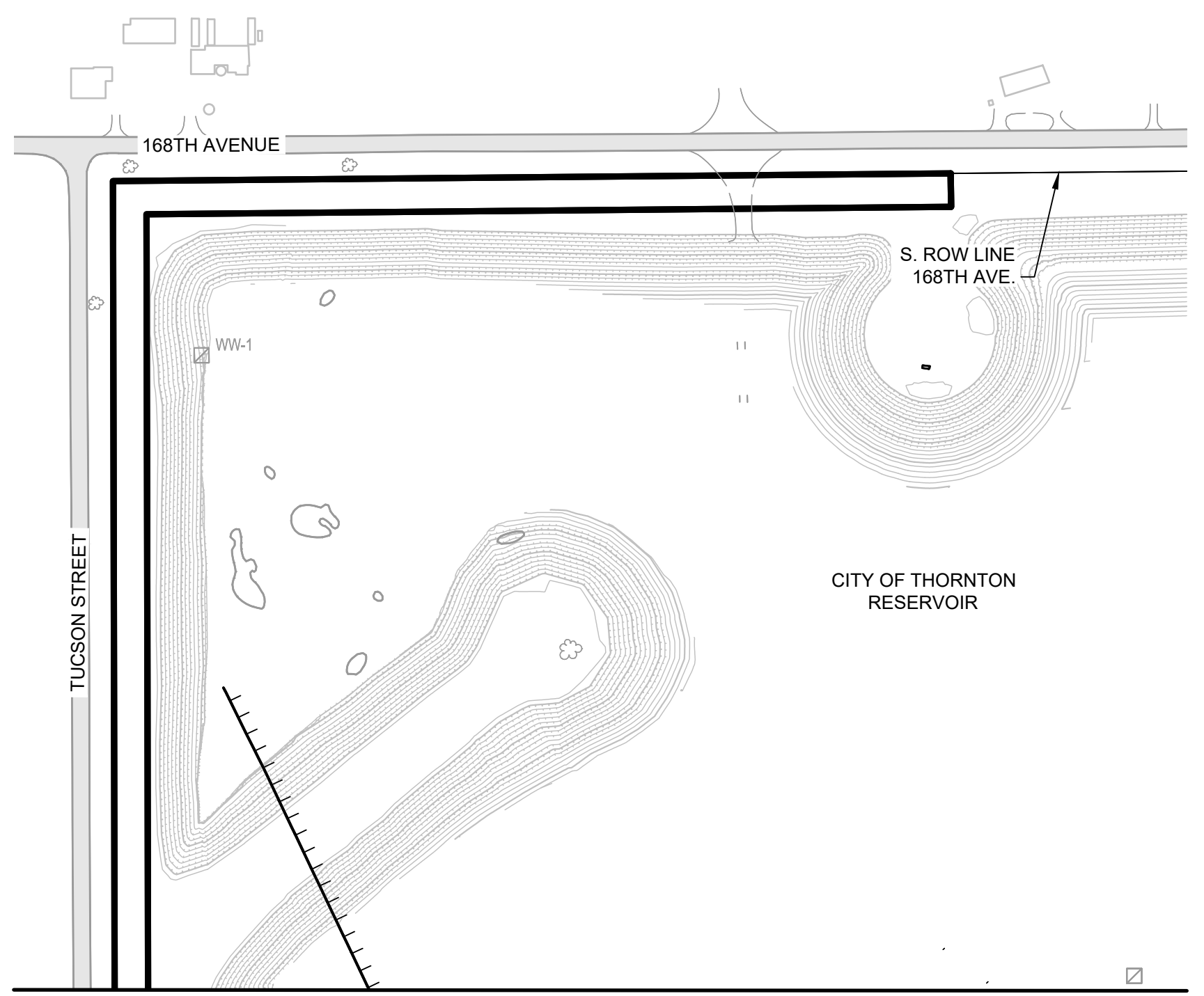
MATCHLINE SEE THIS SHEET BELOW RIGHT



CERTIFICATION:
THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel 07/17/2020

- LEGEND:
- MINE PERMIT BOUNDARY
 - - - TRACT BOUNDARY
 - - - EASEMENT
 - - - EFFECTIVE FLOODWAY
 - - - EFFECTIVE ZONE AE
 - - - EFFECTIVE ZONE X
 - - - PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
 - - - EXISTING WETLAND BOUNDARY
 - - - EXISTING EDGE OF WATER
 - - - 4900 EXISTING 2' CONTOURS
 - x x x x EXISTING FENCE
 - - - EXISTING EDGE OF ROAD
 - - - UE EXISTING ELECTRIC LINE
 - - - OE EXISTING OVERHEAD ELECTRIC LINE
 - - - G EXISTING GAS LINE
 - - - W EXISTING WATER LINE
 - - - OT EXISTING TELEPHONE LINE
 - - - PROPOSED SLURRY WALL
 - - - 4900 PROPOSED 2' CONTOURS
 - ▨ RESERVOIR ACCESS ROAD
 - ▨ EXISTING ASPHALT ROAD
 - ▨ EXISTING SOUTH PLATTE RIVER
 - ▨ UDFCD STABILIZATION
 - PROPOSED COTTONWOOD TREE (LOCATIONS SUBJECT TO CHANGE)
 - PROPOSED SHRUB BEDS (LOCATIONS SUBJECT TO CHANGE)



MATCHLINE SEE THIS SHEET ABOVE LEFT



MARK	DATE	DESCRIPTION	BY	TH	MES	MES
1	3/15/19	FIRST ADEQUACY REVIEW RESPONSE				
2	5/1/20	REMOVE SOUTH AREA FROM REC PLAN				
3	7/17/20	ADD TRACT N				

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH RESOURCE
EXHIBIT F
EAST AREA RECLAMATION PLAN

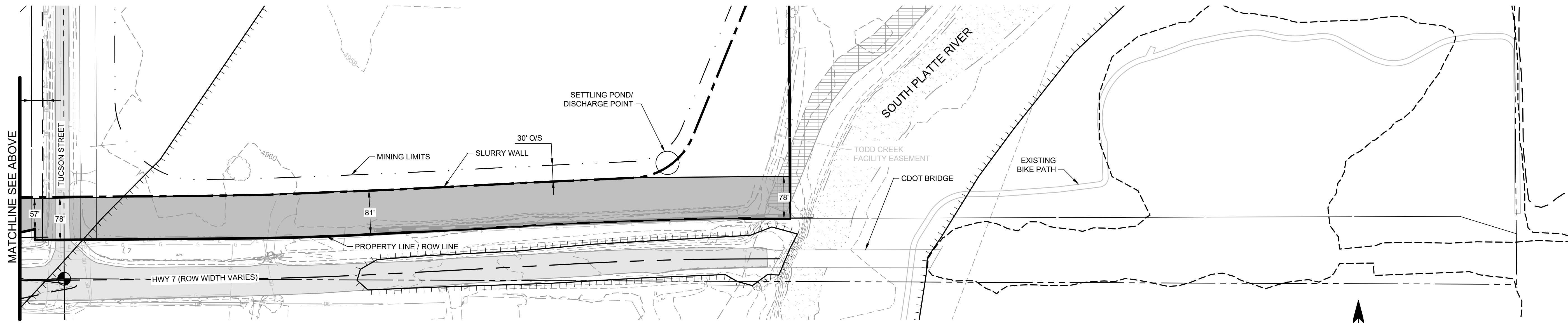
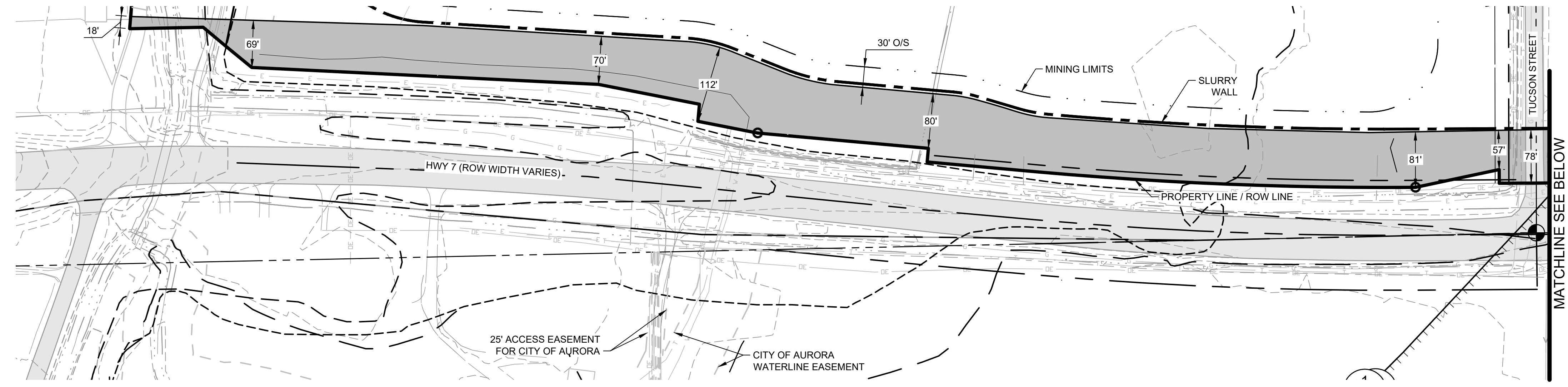
Project No.: 200-23514-18004
Designed By:
Drawn By:
Checked By:

F-3
EXHIBIT

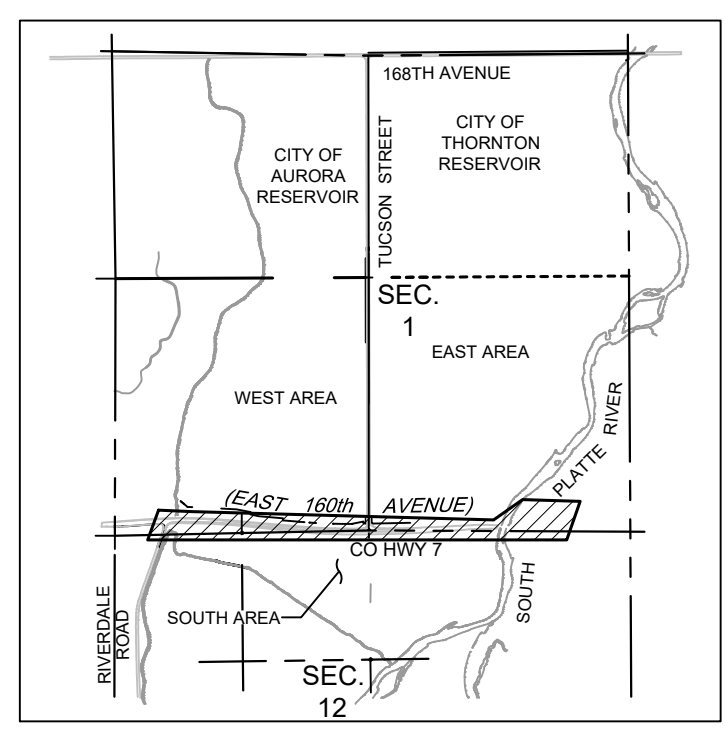
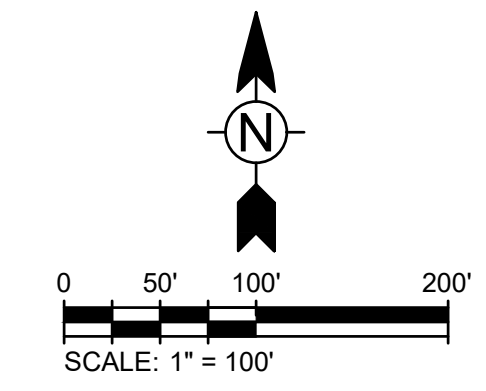
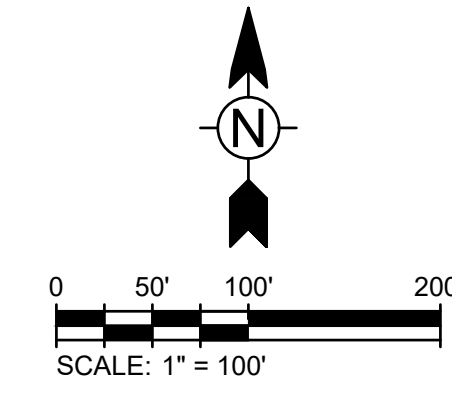
Copyright: Tetra Tech

Bar Measures 1 inch

5/1/2019 8:29:06 AM - P:\235141\33-23514-17005\CADD\CONCEPTUAL\FIG 1 PROPOSED BIKEPATH CORRIDOR.DWG - WITTENMEIER, CHUCK



- LEGEND:
- MINE PERMIT BOUNDARY
 - - - TRACT BOUNDARY
 - - - EASEMENT
 - - - EFFECTIVE FLOODWAY
 - - - EFFECTIVE ZONE AE
 - - - EFFECTIVE ZONE X
 - - - PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
 - - - EXISTING WETLAND BOUNDARY
 - - - EXISTING EDGE OF WATER
 - - - EXISTING 2' CONTOURS
 - - - EXISTING FENCE
 - - - EXISTING EDGE OF ROAD
 - - - EXISTING OVERHEAD ELECTRIC LINE
 - - - EXISTING GAS LINE
 - - - EXISTING WATER LINE
 - - - EXISTING TELEPHONE LINE
 - - - PROPOSED SLURRY WALL
 - - - LIMIT OF MINING EXCAVATION PER SLOPE STABILITY ANALYSIS
 - - - SURFACE DEWATERING TRENCH
 - - - 12" PIPE FOR DEWATERING
 - - - ON SITE HAUL ROAD/CONVEYOR
 - - - PROPOSED ACCESS
 - ▨ OVERBURDEN & TOPSOIL STOCKPILES
 - ▨ TOPSOIL STOCKPILE
 - ▨ TOPSOIL SCREENING BERM W/ GRASS COVER
 - SETTLING POND/DISCHARGE POINT
 - ▨ EXISTING ASPHALT ROAD
 - ▨ EXISTING SOUTH PLATTE RIVER
 - ▨ UDFCD STABILIZATION
 - ▨ POTENTIAL BIKE PATH CORRIDOR



CERTIFICATION:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRA TECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM.

Mark Spaniel

07/17/2020

TETRA TECH
www.tetra-tech.com
1900 S. Sunset St., Ste. 1-E
Longmont, CO 80501
Phone: (303) 772-5282

MARK	DATE	DESCRIPTION
1	3/15/19	FIRST ADEQUACY REVIEW/RESPONSE

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH RESOURCE
PROPOSED BIKEPATH CORRIDOR

Project No.: 200-23514-18004
Designed By:
Drawn By: CFW
Checked By:

FIG 1
EXHIBIT

Copyright: Tetra Tech

Bar Measures 1 inch

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 2, 2020**
File Number: **200860**
Property Address: **Vacant Land, Brighton, CO 80601**
Owner: **Aggregate Industries-WCR inc**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafargeHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **200860**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
Vacant Land, Brighton, CO 80601
SCHEDULE #: **0157101300002**

1. Effective date: **May 29, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
		\$
WORK CHARGE		\$350.00
		\$
		\$
TOTAL		\$350.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries-WCR inc, a Colorado Corporation

4. The land referred to in this commitment is described as follows:

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.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE - INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT RECORDED NOVEMBER 24, 1971 IN BOOK 1758 AT PAGE 188.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESERVATIONS IN WARRANTY DEED RECORDED JANUARY 14, 1985 IN BOOK 2957 AT PAGE 179.
10. INTENTIONALLY DELETED.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY OPTION AGREEMENT RECORDED JANUARY 22, 2002 AT RECEPTION NO. C0916204.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY DRY UP COVENANT RECORDED FEBRUARY 5, 2002 AT RECEPTION NO. C0923230.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEED RECORDED SEPTEMBER 9, 2002 AT RECEPTION NO. C1020995.
14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY GENERAL WARRANTY DEED RECORDED JANUARY 11, 2005 AT RECEPTION NO. 20050111000037490.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY AGREEMENT FOR DRY UP AND GRANT OF EASEMENT RECORDED JANUARY 11, 2005 AT RECEPTION NO. 20050111000037500.
16. ITEM INTENTIONALLY DELETED.
17. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED QUIT CLAIM DEED (WATER PIPELINE RIGHT-OF-WAY) RECORDED SEPTEMBER 24, 2018 AT RECEPTION NO. 2018000077569..

18. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY OIL AND GAS LEASE BY AND BETWEEN OSCAR HAAKE AND RUTH HAAKE, HUSBAND AND WIFE AND OSCAR F. HAAKE, JR., AND MAZELL A. HAAKE, HUSBAND AND WIFE AS LESSORS, AND T. S. PACE AS LESSEE RECORDED JULY 20, 1970 IN BOOK 1614 AT PAGE 154.

19. ANY AND ALL UNPAID TAXES AND ASSESSMENTS

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent: or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company ("WLTIC") values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer's nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC's website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 2, 2020**
File Number: **200864**
Property Address: **16202 Tucson St, Brighton, CO 80601**
Owner: **Aggregate Industries-WCR inc**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafargeHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **200864**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
16202 Tucson St, Brighton, CO 80601
SCHEDULE #: **0157101000035**

1. Effective date: **May 29, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
-------------------------------------	--------	---------

A. ALTA Owner's Policy - Proposed Insured:	\$	\$
--	----	----

B. ALTA Loan Policy - Proposed Insured	\$	\$
--	----	----

C. None - Proposed Insured:	\$	\$
-----------------------------	----	----

Endorsement		\$
-------------	--	----

Endorsement		\$
-------------	--	----

		\$
--	--	----

WORK CHARGE		\$350.00
--------------------	--	-----------------

		\$
--	--	----

		\$
--	--	----

TOTAL		\$350.00
--------------	--	-----------------

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries-WCR inc, a Colorado Corporation

C1015062

4. The land referred to in this commitment is described as follows:

See Exhibit A attached hereto and made a part hereof.

Exhibit A

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.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE - INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. OIL AND GAS LEASE BETWEEN EDWARD GETZ AND BETTY GETZ AND AMOCO PRODUCTION COMPANY RECORDED IN BOOK 1862 AT PAGE 112, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN RECORDED IN BOOK 2018 AT PAGE 408.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT DEED RECORDED OCTOBER 17, 1989 IN BOOK 3612 AT PAGE 381.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY CORRECTION EASEMENT DEED RECORDED NOVEMBER 2, 1989 IN BOOK 3617 AT PAGE 596.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY ZONING HEARING DECISION RECORDED JULY 11, 1995 IN BOOK 4545 AT PAGE 325.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESOLUTION ACCEPTING DEED RECORDED JANUARY 25, 1996 AT RECEPTION NO. C0141632.
13. ITEM INTENTIONALLY DELETED.
14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEED, WATER RIGHTS RECORDED AUGUST 26, 2002 AT RECEPTION NO. C1015063.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY EASEMENT DEED RECORDED AUGUST 15, 2012 AT RECEPTION NO. 2012000059968.
16. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT DEED AND AGREEMENT RECORDED NOVEMBER 7, 2016 AT RECEPTION NO. 2016000095874.
17. ANY AND ALL UNPAID TAXES AND ASSESSMENTS. A TAX CERTIFICATE HAS BEEN ORDERED.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company (“WLTIC”) values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer’s nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

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WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 2, 2020**
File Number: **200863**
Property Address: **16312 Tucson St, Brighton, CO 80601**
Owner: **Aggregate Industries-WCR inc**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafargeHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **200863**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
16312 Tucson St, Brighton, CO 80601
SCHEDULE #: **0157101000034**

1. Effective date: **May 29, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
		\$
WORK CHARGE		\$350.00
		\$
		\$
TOTAL		\$350.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries-WCR inc, a Colorado Corporation

C0994441 C0994443

4. The land referred to in this commitment is described as follows:

See Exhibit A attached hereto and made a part hereof.

Exhibit A

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 1050.057 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 THEIR 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.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

- A. NONE - INFORMATIONAL ONLY
THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. OIL AND GAS LEASE BETWEEN EDWARD GETZ AND BETTY GETZ AND AMOCO PRODUCTION COMPANY RECORDED IN BOOK 1862 AT PAGE 112, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN RECORDED IN BOOK 2018 AT PAGE 408.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT DEED RECORDED OCTOBE 17, 1989 IN BOOK 3612 AT PAGE 381.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESOLUTION RECORDED JANUARY 25, 1996 AT RECEPTION NO. C0141632.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SHARED WILL AGREEMENT RECORDED DECEMBER 23, 1996 IN BOOK 4904 AT PAGE 814.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY NOTICE RECORDED DECEMBER 5, 2000 AT RECEPTION NO. C0738249.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEEDS RECORDED JULY 10, 2002 AT RECEPTION NO'S C0994442 AND C0994444.
14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEED RECORDED AUGUST 15, 2012 AT RECEPTION NO. 2012000059968.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT DEED RECORDED NOVEMBER 7, 2016 AT RECEPTION NO. 2016000095874.
16. ANY AND ALL UNPAID TAXES AND ASSESSMENTS. A TAX CERTIFICATE HAS BEEN ORDERED.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" - When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

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Information Sharing

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The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **200865**
Property Address: **Tucson South Resource M-2004-044, Brighton, CO 80601**
Owner: **Aggregate Industries-WCR inc**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
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SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

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A. NONE - INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

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6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. OIL AND GAS LEASE BETWEEN FLOYD T MAZZOCCO AND TERESA C MAZZOCCO AND E. K. DROULLARD, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN, RECORDED IN BOOK 1602 AT PAGE 236.
9. OIL AND GAS LEASE BETWEEN CHARLES MORGAN SMITH AND AMOCO PRODUCTION COMPANY, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN, RECORDED IN BOOK 1979 AT PAGE 732.
10. ITEM INTENTIONALLY DELETED.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESERVATIONS IN WARRANTY DEED RECORDED JANUARY 14, 1985 IN BOOK 2957 AT PAGE 179.; INSO FAR AS THEY PERTAIN TO RESERVATIONS OF HYDROCARBON SUBSTANCES.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE RECORDED FEBRUARY 27, 2001 AT RECEPTION NO. C0765906.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEED WATER RIGHTS RECORDED SEPTEMBER 9, 2002 AT RECEPTION NO. C1020995.
14. ITEM INTENTIONALLY DELETED.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESERVATIONS IN WARRANTY DEED RECORDED SEPTEMBER 09, 2002 AT RECEPTION NO. C1020994; INSO FAR AS THEY PERTAIN TO RESERVATIONS OF HYDROCARBON SUBSTANCES.
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EMPIRE TITLE NORTH, LLC

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of

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INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 2, 2020**
File Number: **200862**
Property Address: **16332 Tucson St, Brighton, CO 80601**
Owner: **Aggregate Industries-WCR inc**

Please deliver to the Following Customers:

To:	Attn:
To: LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn: Christine Felz
To: Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn: Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **200862**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
16332 Tucson St, Brighton, CO 80601
SCHEDULE #: **0157101000033**

1. Effective date: **May 29, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
		\$
WORK CHARGE		\$350.00
		\$
		\$
TOTAL		\$350.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries-WCR inc, a Colorado Corporation

C0994439

4. The land referred to in this commitment is described as follows:

See Exhibit A attached hereto and made a part hereof.

Exhibit A

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. $89^{\circ}37'18''$ E. ALONG THE NORTH LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER A DISTANCE OF 1050.57 FEET; THENCE S. $00^{\circ}08'29''$ 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. $89^{\circ}37'18''$ W. ALONG SAID LINE A DISTANCE OF 1050.57 FEET TO THE WEST LINE OF SAID NORTH ONE-HALF SOUTHEAST ONE-QUARTER; THENCE N. $00^{\circ}08'29''$ 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.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

- A. NONE - INFORMATIONAL ONLY
THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. OIL AND GAS LEASE BETWEEN EDWARD GETA AND BETTY GETZ AND AMOCO PRODUCTION COMPANY RECORDED IN BOOK 1862 IN PAGE 112, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN RECORDED IN BOOK 2018 AT PAGE 408.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY NOTICE RECORDED JUNE 25, 1966 IN BOOK 3162 AT PAGE 961.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RESOLUTION RECORDED JANUARY 25, 1996 AT RECEPTION NO. C0141632.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SHARED WELL AGREEMENT RECORDED DECEMBER 23, 1996 AT RECEPTION NO. C0240202.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY NOTICE RECORDED DECEMBER 5, 2000 AT RECEPTION NO. C0738249.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY DEED RECORDED JULY 10, 2002 AT RECEPTION NO. C0994440.
14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY SPECIAL WARRANTY EASEMENT DEED RECORDED AUGUST 15, 2012 AT RECEPTION NO. 2012000059968.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY EASEMENT DEED AND AGREEEMNT RECORDED NOVEMBER 7, 2016 AT RECEPTION NO. 2016000095874.
16. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company ("WLTIC") values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer's nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC's website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275

Westminster, CO 80234

Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 2, 2020**
File Number: **201510**
Property Address: **Land Only, Brighton, CO 80602**
Owner: **Aggregate Industries - WCR, Inc**

Please deliver to the Following Customers:

To: **LafargeHolcim / Aggregate Industries - WCR Inc** Attn: **Christine Felz**
1687 Cole Blvd Ste 300
Golden, CO 80401

To: **Empire Title North, LLC** Attn: **Lisa Anders**
12000 Pecos Street, Suite 275
Westminster, CO 80234

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **201510**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
Land Only, Brighton, CO 80602
SCHEDULE #: **0157101000018**

1. Effective date: **May 29, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$

Endorsement	\$
Endorsement	\$
TAX CERTIFICATE	\$
WORK CHARGE	\$400.00
	\$
	\$
TOTAL	\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries - WCR, Inc, a Colorado Corporation

2018000077570

4. The land referred to in this commitment is 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, 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.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE - INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. RIGHTS OF WAY FOR COUNTY ROADS AND HIGHWAYS, DITCHES, LATERALS, CANALS, RESERVOIRS, AND RESERVOIR FILINGS, AS THE SAME MAY BE FOUND TO INTERSECT OR CROSS SUBJECT PROPERTY.
9. RIGHTS AND PRIVILEGES AS CONVEYED IN QUIT CLAIM DEED RECORDED OCTOBER 9, 1956 IN BOOK 631 AT PAGE 295.
10. THE EFFECT OF MAP OF SELTZER-CARLSON IRRIGATION WELL NO. 1 AND PIPELINE, RECORDED JANUARY 25, 1957 IN FILE 15, MAP 43, ADAMS COUNTY, COLORADO (COPY UNAVAILABLE).
11. EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO BY INSTRUMENT RECORDED MARCH 9, 1962 IN BOOK 970 AT PAGE 427.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RIGHT OF WAY AGREEMENT RECORDED JUNE 3, 1963 IN BOOK 1070 AT PAGE 496.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY RIGHT OF WAY AGREEMENT FOR ELECTRICAL POWER LINE RECORDED JUNE 3, 1963 IN BOOK 1070 AT PAGE 498.
14. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY OPTION AGREEMENT RECORDED JANUARY 22, 2002 AT RECEPTION NO. C0916204.
15. OIL AND GAS LEASE BETWEEN CARL SELTZER ALSO KNOWN AS CARL CLIFFORD SELTZER, AND T.S. PACE, RECORDED JULY 20, 1970 IN BOOK 1614 AT PAGE 156; CORRECTION OF LEASE DESCRIPTION RECORDED FEBRUARY 11, 1975 IN BOOK 1977 AT PAGE 291; AND AMENDMENT RECORDED JULY 14, 1986 IN BOOK 3170 AT PAGE 695; AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTERESTS THEREIN.
16. RIGHTS AND PRIVILEGES AS CONVEYED IN SPECIAL WARRANTY DEED RECORDED AUGUST 7, 2001 AT RECEPTION NO. C0839204.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an **ALTA Closing Protection Letter** is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to **Colorado Division of Insurance Regulation 8-1-3.**

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company (“WLTIC”) values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer’s nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **201734**
Property Address: **Vacant Land, Brighton, CO 80602**
Owner: **Aggregate Industries-WCR Inc**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **201734**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
Vacant Land, Brighton, CO 80602
SCHEDULE #: **0157101100002**

1. Effective date: **June 16, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
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A. ALTA Owner's Policy - Proposed Insured:	\$	\$
--	----	----

B. ALTA Loan Policy - Proposed Insured	\$	\$
--	----	----

C. None - Proposed Insured:	\$	\$
-----------------------------	----	----

Endorsement	\$
Endorsement	\$
WORK CHARGE	\$400.00
	\$
	\$
	\$
TOTAL	\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

Aggregate Industries-WCR Inc, a Colorado Corporation

C0753037 C0753038

4. The land referred to in this commitment is described as follows:

THAT PARCEL OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED RECORDED JANUARY 22, 2001 AT RECEPTION NO. C0753037.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE – INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY OIL AND GAS LEASE BETWEEN NORBERT J. SAMFORD and MARY J. SAMFORD AND AMOCO PRODUCTION COMPANY RECORDED DECEMBER 19, 1975 IN BOOK 2036 AT PAGE 182, AND ANY AND ALL ASSIGNMENT THERETO AND INTERESTS THEREIN. NOTE: CORRECTED DECLARATION OF UNITIZATION RECORDED AUGUST 17, 1976 IN BOOK 2083 AT PAGE 713, AS AMENDED BY INSTRUMENTS RECORDED OCTOBER 3, 1985 IN BOOK 3056 AT PAGE 831 AND JANUARY 3, 1996 IN BOOK 4656 AT PAGE 112. NOTE: AFFIDAVIT OF LEASE EXTENSION RECORDED MAY 10, 1977 IN BOOK 2141 AT PAGE 842.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY DEED RECORDED APRIL 14, 1983 IN BOOK 2736 AT PAGE 310.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY NOTICE OF GENERAL DESCRIPTION OF AREA SERVED BY PANHANDLE EASTERN PIPE LINE COMPANY RECORDED JUN 25, 1986 IN BOOK 3162 AT PAGE 961.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY ZONING HEARING DECISION – CASE #PLT2000-00065 RECORDED DECEMBER 22, 2000 AT RECEPTION NO. C0744225, AND RESOLUTION RECORDED DECEMBER 22, 2000 AT RECEPTION NO. C0744226.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY ZONING HEARING DECISION – CASE #3EXG2001-00006 RECORDED AUGUST 20, 2001 AT RECEPTION NO. C0844219.
13. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY OPTION AGREEMENT RECORDED JANUARY 22, 2002 AT RECEPTION NO. C0916204.

14. EASEMENT DEED AND AGREEMENT BETWEEN AGGREGATE INDUSTRIES-WCR, INC TO TODD CREEK VILLAGE METROPOLITAN DISTRICT BY INSTRUMENT RECORDED NOVEMBER 7, 2016 AT RECEPTION NO. 2016000095874.
15. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY MINERAL DEED RECORDED NOVEMBER 2, 2017 AT RECEPTION NO. 2017000096930
16. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY QUIT CLAIM DEED RECORDED DECEMBER 27, 2010 AT RECEPTION NO. 2010000089672.
17. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company (“WLTIC”) values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer’s nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

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INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275

Westminster, CO 80234

Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **201736**
Property Address: **Vacant Land, Brighton, CO 80602**
Owner: **City of Aurora**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **201736**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
Vacant Land, Brighton, CO 80602
SCHEDULE #: **0157101000017**

1. Effective date: **June 16, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
WORK CHARGE		\$400.00
		\$
		\$
		\$
TOTAL		\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

City of Aurora, a Colorado municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise

2017000062415

4. The land referred to in this commitment is described as follows:

THAT PARCEL OF LAND AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JULY 20, 2017 AT RECEPTION NO. 2017000062415.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE – INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.

8. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY DEED RECORDED MARCH 11, 1965 IN BOOK 1214 AT PAGE 326.
9. OIL AND GAS LEASE BETWEEN THOMAS Z. MARS and ELSIE J. MARS AND AMOCO PRODUCTION COMPANY RECORDED FEBRUARY 27, 1975 IN BOOK 1979 AT PAGE 736, AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTERESTS THEREIN.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY WIRELESS COMMUNICATIONS FACILITES MASTER LICENSE AGREEMENT RECORDED JULY 25, 2017 AT RECEPTION NO. 2017000063983.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY WIRELESS COMMUNICATIONS FACILITES MASTER LICENSE AGREEMENT RECORDED SEPTEMBER 18, 2017 AT RECEPTION NO. 2017000081469.
12. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

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The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent: or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

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Notice of Privacy Policy

of

Westcor Land Title Insurance Company

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The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275

Westminster, CO 80234

Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **201735**
Property Address: **16315 Tucson St, Brighton, CO 80602**
Owner: **City of Aurora**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **201735**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
16315 Tucson St, Brighton, CO 80602
SCHEDULE #: **0157101000028**

1. Effective date: **June 16, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$

Endorsement
Endorsement
WORK CHARGE

\$
\$
\$400.00
\$
\$
\$

\$400.00

TOTAL

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

City of Aurora, a Colorado municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise

2017000042398

4. The land referred to in this commitment is described as follows:

THAT PARCEL OF LAND AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED MAY 16, 2017 AT RECEPTION NO. 2017000042398.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE – INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY DEED RECORDED DECEMBER 9, 1960 IN BOOK 882 AT PAGE 319.
9. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY PETITION FOR CLASS D IRRIGATION WATER ALLOTMENT CONTRACT RECORDED JULY 6, 2004 AT RECEPTION NO. 20040706000577390 AND RECORDED DECEMBER 4, 2006 AT RECEPTION NO. 2006001006372.
10. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY WIRELESS COMMUNICATIONS FACILITIES MASTER LICENSE AGREEMENT BETWEEN CITY OF AURORA AND MOBILITIE, LLC RECORDED JULY 25, 2017 AT RECEPTION NO. 2017000063983.
11. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY WIRELESS COMMUNICATIONS FACILITES MASTER LICENSE AGREEMENT BETWEEN CITY OF AURORA AND NEW CINGULAR WIRELESS PCS, LLC RECORDED SEPTEMBER 18, 2017 AT RECEPTION NO. 2017000081469.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED BY LICENSE AGREEMENT (PRAIRIE WATER EASEMENT) RECORDED JULY 3, 2017 AT RECEPTION NO. 2017000057130
13. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

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of

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INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **201737**
Property Address: **12255 E 160th Ave, Brighton, CO 80602**
Owner: **City of Aurora**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

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Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: 201737
AMENDMENT NUMBER:
PROPERTY ADDRESS:
12255 E 160th Ave, Brighton, CO 80602
SCHEDULE #: 0157101300001

1. Effective date: **June 16, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$

Endorsement

\$

Endorsement

\$

WORK CHARGE

\$400.00

\$

\$

\$

TOTAL

\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

City of Aurora, Colorado, a Colorado municipal corporation of the Counties of Adams, Arapahoe and Douglas acting by and through its Utility Enterprise

20051222001399920

4. The land referred to in this commitment is described as follows:

THAT PARCEL OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED RECORDED DECEMBER 22, 2005 AT RECEPTION NO. 20051222001399920, COUNTY OF ADAMS, STATE OF COLORADO.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE – INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. ANY WATER RIGHTS OR CLAIM OR TITLE TO WATER, IN, ON OR UNDER THE LAND.
NOTE: A DRY UP COVENANT RECORDED FEBRUARY 5, 2002 AT RECEPTION NO. C0923230.
9. EASEMENT GRANTED BY OSCAR HAAKE & RUTH HAAKE and OSCAR F. HAAKE JR and MAZELL A. HAAKE TO PUBLIC SERVICE COMPANY BY INSTRUMENT RECORDED MARCH 9, 1962 IN BOOK 970 AT PAGE 427
10. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN RIGHT OF WAY AGREEMENT RECORDED JUNE 3 1963 IN BOOK 1070 AT PAGE 496 AND PAGE 498.
11. AN EASEMENT FOR INGRESS, EGRESS AND INCIDENTAL PURPOSES GRANTED TO CARL C. SELTZER BY DEED RECORDED JUNE 3, 1963 IN BOOK 1070 AT PAGE 495
12. OIL AND GAS LEASE BETWEEN OSCAR HAAKE and RUTH HAAKE and OSCAR F. HAAKE JR and MAZELL A. HAAKE AND T.S. PACE RECORDED JULY 20, 1970 IN BOOK 1614 AT PAGE 154, AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTERESTS THEREIN. NOTE: DECLARATIONS OF UNITIZATION IN CONNECTION WITH THE ABOVE STATED OIL AND GAS LEASE RECORDED JULY 7, 1975 IN BOOK 2003 AT PAGE 955 AND JANUARY 3, 1996 IN BOOK 4656 AT PAGE 115. NOTE: AFFIDAVITS OF LEASE EXTENSION OR PRODUCTION RECORDED SEPTEMBER 18, 1975 IN BOOK 2018 AT PAGE 412 AND PAGE 418, AND NOTICE OF OIL AND GAS INTERESTS AND SURFACE USE RECORDED DECEMBER 5, 2000 AT RECEPTION NO. C0738248.
13. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN EASEMENT RECORDED NOVEMBER 24, 1971 IN BOOK 1758 AT PAGE 188.
14. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN THE RIGHT-OF-WAY EASEMENT AND LICENSE RECORDED AUGUST 6, 1975 IN BOOK 2009 AT PAGE 900.
15. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN NOTICE OF GENERAL DESCRIPTION OF AREA SERVED BY PANHANDLE EASTERN PIPE LINE COMPANY CONCERNING UNDERGROUND FACILITIES RECORDED JUNE 25, 1966 IN BOOK 3162 AT PAGE 961.

16. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE SURVEYS 182 AND 188 DEPICTING THE BRIGHTON DITCH, RECORDED MAY 30, 2000 AT RECEPTION NO. C0674829 AND OCTOBER 31, 2000 AT RECEPTION NO. C0726609, RESPECTIVELY AND NOTICES OF LIS PENDENS CONDEMNING CERTAIN INTERESTS IN THE BRIGHTON DITCH RECORDED MARCH 31, 2001 AT RECEPTION NO. C0777273, AND APRIL 23, 2001 AT RECEPTION NO. C0789934, AND MAY 9, 2002 AT RECEPTION NO. C0967976 AND MAY 21, 2002 AT RECEPTION NO. C0972522. NOTE: FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER ISSUED FROM WELD COUNTY DISTRICT COURT CONCERNING THE BRIGHTON DITCH RECORDED MAY 19, 2000 AT RECEPTION NO. C0672384.
17. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN THE RIGHT OF ENTRY RECORDED APRIL 13, 2004 AT RECEPTION NO. 20040413000228910.
18. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN THE AGREEMENT FOR DRY-UP AND GRANT OF EASEMENT RECORDED JANUARY 11, 2005 AT RECEPTION NO. 20050111000037500.
19. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS CONTAINED IN THE ZONING HEARING DECISION – CASE #EXG2004-00004 RECORDED SEPTEMBER 26, 2005 AT RECEPTION NO. 20050926001050180.
20. ACCESS EASEMENTS RECORDED OCTOBER 17, 2007 AT RECEPTION NO. 2007000097992 AND JULY 1, 2008 AT RECEPTION NO. 2008000052653.
21. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED PIPELINE EASEMENT RECORDED JULY 1, 2008 AT RECEPTION NO. 2008000052649.
22. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN PERMANENT STORM WATER QUALITY AND DRAINAGE EASEMENT RECORDED JULY 1, 2008 AT RECEPTION NO. 2008000052650.
23. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN PIPELINE EASEMENT DEED AND AGREEMENT (MULTIPLE PARCELS) TO TODD CREEK VILLAGE METROPOLITAN DISTRICT, RECORDED JANUARY 16, 2017 AT RECEPTION NO. 2017000007893, AND RECORDED FEBRUARY 24, 2017 AT RECEPTION NO. 2017000017056 AND AT RECEPTION NO. 2017000017057.
24. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN RIGHT-OF-WAY EASEMENT AND LICENSE FROM BRIGHTON DITCH COMPANY TO TODD CREEK FARMS METROPOLITAN DISTRICT NO. 1 RECORDED APRIL 10, 2006 AT RECEPTION NO. 20060410000361500.
25. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN RIGHT-OF-WAY GRANT FROM THE CITY OF AURORA TO KERR-MCGEE GATHERING LLC RECORDED OCTOBER 20, 2008 AT RECEPTION NO. 2008000083025.
26. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN AGREEMENT FOR RELOCATION OF PIPELINE AND RIGHT-OF-WAY BETWEEN CITY OF AURORA AND KERR-MCGEE GATHERING LLC RECORDED OCTOBER 20, 2008 AT RECEPTION NO. 2008000083026.
27. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED WIRELESS COMMUNICATIONS FACILITIES MASTER LICENSE AGREEMENT WITH NEW MOBILITIE, LLC RECORDED JULY 25, 2017 AT RECEPTION NO. 2017000063983.
28. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN WIRELESS COMMUNICATIONS FACILITIES MASTER LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC RECORDED SEPTEMBER 18, 2017 AT RECEPTION NO. 201700081469.
29. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN LICENSE AGREEMENT (PRAIRIE WATER EASEMENT) BETWEEN CITY OF AURORA AND TODD CREK VILLAGE METROPOLITAN DISTRICT RECORDED JULY 13, 2017 AT RECEPTION NO. 2017000057130.
30. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company ("WLTIC") values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer's nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC's website at www.wltic.com.

INFORMATION ONLY

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **June 18, 2020**
File Number: **201755**
Property Address: **Tuscon Resource Mine M-1991-140, Brighton, CO 80601**
Owner: **City of Thornton, A Colorado Municipal Corporation**

Please deliver to the Following Customers:

To:		Attn:	
To:	LafrageHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn:	Christine Felz
To:	Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn:	Lisa Anders

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at **(303) 280-1669**. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Lisa Anders**
Phone Number: **(303) 280-1669** Fax Number: **(303) 280-0801**

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **201755**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
**Tuscon Resource Mine M-1991-140, Brighton,
CO 80601**
SCHEDULE #: **0157101002001**

1. Effective date: **June 16, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
WORK CHARGE		\$400.00
		\$
		\$
		\$
TOTAL		\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

City of Thornton, A Colorado Municipal Corporation

2010000089671

4. The land referred to in this commitment is described as follows:

LOT 1, TUCSON RESOURCES SUBDIVISION, COUNTY OF ADAMS, STATE OF COLOARDO.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE – INFORMATION ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2**Exceptions**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. RIGHT-OF-WAY FOR THE LARAMIE SEEPAGE AND DRAINAGE DITCHES AS SHOWN ON MAP FILED MARCH 9, 1910 IN MAPS, PAGE 132.
9. THE PORTION OF SUBJECT PROPERTY LYING WITH THE MCCANNE DITCH AS EVIDENCED BY STATEMENT RECORDED DECEMBER 17, 1982 IN BOOK 2703 AT PAGE 237; WITHIN THE MCCANNED DITCH EXTENSION AS EVIDENCED BY STATEMENT RECORDED DECEMBER 17, 1982 IN BOOK 2703 AT PAGE 242; AND WITHIN THE MCCANNE DITCH, 2ND EXTENSION AND ENLARGEMENT AS EVIDENCED BY STATEMENT RECORDED DECEMBER 17, 1982 IN BOOK 2703 AT PAGE 246.
10. RIGHT-OF-WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR ELECTRIC TRANSMISSION LINES, AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO BY CLVDE W. MILLER, IN THE INSTRUMENT RECORDED JANUARY 26, 1962 IN BOOK 963 AT PAGE 62, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
11. TERMS, CONDITIONS, PROVISIONS, AGREEMENTS AND OBLIGATIONS SPECIFIED IN AGREEMENT BETWEEN UNION PACIFIC RAILROAD COMPANY AND MOUNTAIN VIEW WATER USERS ASSOCIATION RECORDED OCTOBER 25, 1961 IN BOOK 944 AT PAGE 571, WHICH AGREEMENT CONCERNS CONSTRUCTION, MAINTENANCE, AND OPERATION OF WATER PIPELINES ACROSS THE RIGHT-OF-WAY AND UNDERNEATH THE TRACKS OF SAID RAILROAD COMPANY'S BOULDER AND DENT BRANCHES, AS MORE PARTICULARLY DESCRIBED IN SAID AGREEMENT.
12. TERMS, CONDITIONS, STIPULATIONS AND OBLIGATIONS AS CONTAINED IN AND BURDENS IMPOSED RIGHT-OF-WAY EASEMENT GRANTED TO UNION RURAL ELECTRIC ASSOCIATION, INC BY INSTRUMENT RECORDED JANUARY 15, 1970 IN BOOK 1571 AT PAGE 293, TO CONSTRUCT, RECONSTRUCT, REPLACE, REPAIR, OPERATE AND MAINTAIN AN ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE OR SYSTEMS.

13. OIL AND GAS LEASE BETWEEN STOKELY-VAN CAMP, INC AND C.M. PETERSON, DATED MARCH 7, 1971 AND RECORDED APRIL 6, 1972 IN BOOK 1789 AT PAGE 541, AND ANY AND ALL ASSIGMENTS THEREOF, OR INTERESTS THEREIN.
14. RESERVATION UNTO THE UNION PACIFIC RAILROAD COMPANY, ITS SUCCESSORS AND ASSIGNS FOREVER, OF ALL MINERALS AND ALL MINERALS RIGHTS OF EVERY KIND AND CHARACTER, INCLUDING COAL, OIL AND GAS, AND RIGHTS THERETO, TOGETHER WITH THE PERPETUAL RIGHT TO EXPLORE FOR, REMOVE, AND DISPOSE OF SAID MINERALS BY ANY MEANS OR METHODS SUITABLE TO SAID RAILROAD COMPANY, INCLUDING THE RIGHT OF ACCESS TO AND USE OF SUCH PARTS OF PARCEL II AS MAY BE NECESSARY FOR EXPLORATION FOR REMOVAL, STORAGE DISPOSITION, AND TRANSPORTATION OF SAID MINERALS AND THE DISPOSITION OF TAILINGS, TOGETHER WITH THE PERPETUAL RIGHT TO REMOVE THE SUBJACENT SUPPORT FROM THE SURFACE OF SAID LANDS, EXCEPT SUCH AS IS NECESSARY FOR THE SUPPORT OF PERMANENT STRUCTURES ERECTED THEREON PRIOR TO THE TIME SUCH RIGHT IS EXERCISED, WITHOUT THEREBY INCURRING ANY LIABILITY WHATSOEVER FOR DAMAGE SO CAUSED, AS RESERVED BY QUIT CLAIM DEEDS RECORDED SEPTEMBER 29, 1967 IN BOOK 1391 AT PAGE 261.
15. TEMPORARY CONSTRUCTION EASEMENT AS GRANTED TO THE CITY OF BRIGHTON, COLORADO, AFFECTING THE NW1/4 SW1/4 OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 66 WEST BY INSTRUMENT DATED MAY 7, 1962 AND RECORDED MAY 10, 1962 IN BOOK 983 AT PAGE 419.
16. ANY QUESTION, DISPUTE OR ADVERSE CLAIMS AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ACCRETION, RELICTION, EROSION OR AVULSION OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE SOUTH PLATTE RIVER LYING WITHIN SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION MONUMENT OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING SUBJECT LANDS.
17. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN AFFIDAVIT RECORDED AUGUST 2, 1983 IN BOOK 2773 AT PAGE 946.
18. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR UTILITY LINES, AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO BY KUNER-EMPSOM CO., IN THE INSTRUMENT RECORDED OCTOBER 24, 1983 IN BOOK 2803 AT PAGE 450, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
19. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR UTILITY LINES, AS GRANTED TO PUBLIC SERVICE COMPANY OF COLORADO BY FARIBAULT CANNING CO., A KUNER-EMPSOM CO, DIVISION, IN THE INSTRUMENT RECORDED OCTOBER 24, 1983 IN BOOK 2803 AT PAGE 451, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
20. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR PIPELINES AND RELATED APPURTENANCES, AS GRANTED TO WESTERN SLOPE GAS COMPANY BY KUNER-EMPSON COMPANY, A DIVISION OF FARIBAULT CANNING COMPANY, IN THE INSTRUMENT RECORDED JANUARY 19, 1984 IN BOOK 2831 AT PAGE 480, THE LOCATION OF WHICH IS SHOWN IN THE MAP ATTACHED TO SAID INSTRUMENT.
21. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR ELECTRIC TRANSMISSION AND/OR DISTRIBUTION LINE, AS GRANTED TO UNION RURAL ELECTRIC ASSOCIATION BY KUNER-EMPSON COMPANY, IN THE INSTRUMENT RECORDED DECEMBER 5, 1969 IN BOOK 1565 AT PAGE 253, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
22. NOTICE BY THE PANHANDLE EASTERN PIPELINE COMPANY OF UNDERGROUND FACILITIES FOR THE PURPOSE OF TRANSMISSION AND GATHERING OF NATURAL GAS, RECORDED JUNE 25, 1986 IN BOOK 3162 AT PAGE 961.
23. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN CONTRACT BY AND BETWEEN KUNER-EMPSON COMPANY AND THE CITY OF BRIGHTON, COLORADO, A MUNICIPAL CORPORATION RECORDED AUGUST 16, 1965 IN BOOK 1242 AT PAGE 51.
24. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR RESTORATION AND MAINTENANCE OF DRAINAGE AND FLOOD CONTROL FACILITIES, AS GRANTED TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, A QUASI-GOVERNMENTAL ENTITY BY JACK AND GWENNE L. ROGERS, IN THE INSTRUMENT RECORDED SEPTEMBER 23, 1993 IN BOOK 4155 AT PAGE 567, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.

25. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR DRAINAGE AND FLOOD CONTROL FACILITIES, AS GRANTED TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, A QUASI-GOVERNMENTAL ENTITY BY JACK ROGERS AND GWENNE L. ROGERS, IN THE INSTRUMENT RECORDED MAY 23, 1994 IN BOOK 4323 AT PAGE 623, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
26. EASEMENT, NOTES AND RESERVATIONS AS SHOWN ON THE PLAT OF TUCSON RESOURCES SUBDIVISION, RECORDED MAY 21, 1998 AT RECEPTION NO. C0400045.
27. RESERVATIONS AS TO WATER AND MINERALS, AS CONTAINED IN DEEDS RECORDED SEPTEMBER 17, 1991 IN BOOK 3817 AT PAGE 128 AND RECORDED OCTOBER 11, 1995 IN BOOK 4605 AT PAGE 427.
28. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RULING OF THE REFEREE AND DECREE OF THE WATER COUNTY RECORDED JULY 6, 1995 IN BOOK 4541 AT PAGE 725.
29. RIGHT OF WAY, WHETHER IN FEE OR EASEMENT ONLY, FOR DRAINAGEWAY FACILITIES, AS GRANTED TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT 1 A QUASI-GOVERNMENTAL ENTITY BY JACK AND GWENNE L. ROGERS, IN THE INSTRUMENT RECORDED JANUARY 25, 1995 IN BOOK 4457 AT PAGE 387, IN WHICH THE SPECIFIC LOCATION OF THE EASEMENT IS DESCRIBED.
30. LIS PENDENS, PURSUANT TO COLORADO RULE OF CIVIL PROCEDURE 105(F), BY COURT DETERMINATION, DISCLAIMER BY ALL PARTIES, FINAL JUDGMENT OR CERTIFICATE OF DISMISSAL ISSUED BY THE CLERK OF THE COURT, IN CIVIL ACTION NO 99CV1197 IN THE DISTRICT COURT OF THE COUNTY OF ADAMS, ENTITLED CITY OF THORNTON, PLAINTIFF VS. TUCSON RESOURCES, LLC, A COLORADO LIMITED LIABILITY COMPANY, COLORADO BUSINESS LEASING, INC.; JUDITH A. KAHLE, AS PUBLIC TRUSTEE OF ADAMS COUNTY, COLORADO; HELEN L. HILL, AS TREASURER OF ADAMS COUNTY, COLORADO AND ANY AND ALL PERSONS WHO MAY CLAIM, AN INTEREST IN THE SUBJECT MATTER OF THIS ACTION, DEFENDANT(S). NOTICE OF LIS PENDENS RECORDED MAY 28, 1999 IN BOOK 5771 AT PAGE 460.
31. WATER RIGHTS AS GRANTED IN DEED RECORDED DECEMBER 27, 2010 AT RECEPTION NO. 2010000089672.
32. TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS AS CONTAINED IN RESOLUTION RECORDED MAY 17, 2012 AT RECEPTION NO. 2012000035706.
33. ANY AND ALL UNPAID TAXES AND ASSESSMENTS. A TAX CERTIFICATE HAS BEEN ORDERED.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that: **Pursuant to Colorado Division of Insurance Regulation 8-1-2;**

"Gap Protection" -When this Company conducts the closing and is responsible for recording or filing the legal documents resulting from the transaction, the Company shall be responsible for all matters which appear on the record prior to such time or recording or filing; and

"Mechanic's Lien Protection" - If you are the buyer of a single family residence, you may request mechanic's lien coverage to be issued on your policy of Insurance. If the property being purchased has not been the subject of construction, improvements or repairs in the last six months prior to the date of this commitment, the requirements will be payment of the appropriate premium and the completion of an Affidavit and Indemnity by the seller. If the property being purchased was constructed, improved or repaired within six months prior to the date of this commitment the requirements may involve disclosure of certain financial information, payment of premiums, and indemnity, among others. The general requirements stated above are subject to revision and approval by the Company. Pursuant to C.R.S. 10-11-122.

Notice is hereby given that an ALTA Closing Protection Letter is available, upon request, to certain parties to the transaction as noted in the title commitment. Pursuant to Colorado Division of Insurance Regulation 8-1-3.

Nothing herein contained will be deemed to obligate the Company to provide any of the coverages referred to herein unless the above conditions are fully satisfied



Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company (“WLTIC”) values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer’s nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC’s website at www.wltic.com.

Empire Title North, LLC

12000 Pecos Street, Suite 275
Westminster, CO 80234
Tel: (303) 280-1669 • Fax: (303) 280-0801

Date: **July 22, 2020**
File Number: **202427**
Property Address: **Challenger Project M-2003-085, Brighton, CO 80601**
Borrower: **The City of Aurora**

Please deliver to the Following Customers:

To:	Attn:
To: LafargeHolcim / Aggregate Industries - WCR Inc 1687 Cole Blvd Ste 300 Golden, CO 80401	Attn: Chrstine Felz
To: Empire Title North, LLC 12000 Pecos Street, Suite 275 Westminster, CO 80234	Attn: Carrie D. Stetson

Enclosed please find the following item(s) concerning the above captioned order. Should you have any questions regarding the attached documentation, please contact us at (303) 280-1669. We appreciate your business very much and look forward to serving you in this transaction.

Your Escrow Officer for this transaction is **Carrie D. Stetson**
Phone Number: (303) 280-1669 Fax Number: (303) 280-0801

<input type="checkbox"/> Commitment	<input type="checkbox"/> Endorsement	<input type="checkbox"/> Revised Commitment
<input type="checkbox"/> Tax Certificate	<input type="checkbox"/> Covenants, Conditions, Restrictions	<input type="checkbox"/> Schedule B-2 Documents
<input type="checkbox"/> Schedule B-1 Documents	<input type="checkbox"/> Ownership Encumbrance Report	<input type="checkbox"/> Title Guarantee

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Commitment Number: **202427**
AMENDMENT NUMBER:
PROPERTY ADDRESS:
**Challenger Project M-2003-085, Brighton, CO
80601**
SCHEDULE #: **0157101200010**

1. Effective date: **July 10, 2020 at 8:00 AM**

2. Policy or policies to be issued:	Amount	Premium
A. ALTA Owner's Policy - Proposed Insured:	\$	\$
B. ALTA Loan Policy - Proposed Insured	\$	\$
C. None - Proposed Insured:	\$	\$
Endorsement		\$
Endorsement		\$
WORK CHARGE		\$400.00
		\$
		\$
		\$
TOTAL		\$400.00

3. The estate or interest in the land described or referred to in this commitment and covered herein is **FEE SIMPLE** and title thereto is at the effective date hereof vested in:

City of Aurora, Colorado, a Colorado Municipal Corporation of the Counties of Adams, Arapahoe and Douglas

4. The land referred to in this commitment is described as follows:

THAT PARCEL OF LAND AS DESCRIBED IN A DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JUNE 19, 2013 AT RECEPTION NO. 2013000052166, COUNTY OF ADAMS, STATE OF COLORADO.

SCHEDULE B-1

Requirements

The following are to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

A. NONE-INFORMATIONAL ONLY

THE LIABILITY OF THIS REPORT IS LIMITED TO THE AMOUNT PAID FOR IT.

SCHEDULE B-2

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien or right to a lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims, or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. Unpatented mining claims: reservations or exceptions in Patents or in Acts authorizing the issuance thereof, water rights, claims or title to water;
NOTE: Item no. 6 of the above will not appear on the Lender's Policy (if any) to be issued hereunder.
7. Taxes and assessments which are a lien or are now due and payable; any tax, special assessment, charge or lien imposed for or by any special taxing district or for water or sewer service; any unredeemed tax sales.
8. ANY WATER RIGHTS OR CLAIMS OR TITLE TO WATER IN, ON OR UNDER THE LAND, WHETHER OF RECORD OR NOT.
9. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUIT CLAIM DEED RECORDED SEPTEMBER 30, 1921 IN BOOK 101 AT PAGE 299.
10. TERMS, RESERVATIONS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUIT CLAIM DEEDS RECORDED DECEMBER 20, 1948 IN BOOK 367 AT PAGE 282 AND MAY 13, 1954 IN BOOK 497 AT PAGE 395.
11. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN RIGHT OF WAY AGREEMENT RECORDED OCTOBER 09, 1956 IN BOOK 631 AT PAGE 258.
12. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED MARCH 09, 1962 IN BOOK 970 AT PAGE 425 AND THAT CONSENT RECORDED MARCH 9, 1962 IN BOOK 970 AT PAGE 426.
13. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED AUGUST 03, 1964 IN BOOK 1168 AT PAGE 386.
14. TERMS, RESERVATIONS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUITCLAIM DEED RECORDED JANUARY 17, 1967 IN BOOK 1340 AT PAGE 479.
15. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MINERAL DEED RECORDED AUGUST 03, 1971 IN BOOK 1720 AT PAGE 376.

16. MINERAL DEED IN CONNECTION THEREWITH RECORDED FEBRUARY 9, 1998 IN BOOK 5229 AT PAGE 769.
17. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CORRECTED DECLARATION OF UNITIZATION RECORDED AUGUST 17, 1976 IN BOOK 2083 AT PAGE 713 AND THAT AMENDMENT RECORDED OCTOBER 3, 1985 IN BOOK 3056 AT PAGE 831.
18. OIL AND GAS LEASE BETWEEN FLOYD N. BARNHART AND LOLA B. BARNHART AND AMOCO PRODUCTION COMPANY, RECORDED MAY 10, 1973 IN BOOK 1863 AT PAGE 28 AND THAT AFFIDAVIT RECORDED MAY 10, 1977 IN BOOK 2141 AT PAGE 842 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
19. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY GRANT RECORDED JUNE 16, 1975 IN BOOK 1999 AT PAGE 981.
20. OIL AND GAS LEASE BETWEEN ERVIN L. HOOD AND BESSIE B. HOOD AND AMOCO PRODUCTION COMPANY, RECORDED FEBRUARY 05, 1985 IN BOOK 2964 AT PAGE 272 AND THAT AFFIDAVIT RECORDED MAY 1, 1985 IN BOOK 2995 AT PAGE 566 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
21. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 30, 1985, IN BOOK 3006 AT PAGE 904.
22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN QUIT CLAIM DEEDS RECORDED FEBRUARY 27, 1986 IN BOOK 3114 AT PAGE 546, IN BOOK 3114 AT PAGE 547, IN BOOK 3114 AT PAGE 548, IN BOOK 3114 AT PAGE 549, IN BOOK 3114 AT PAGE 550 AND IN BOOK 3114 AT PAGE 551.
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE RECORDED JUNE 25, 1986 IN BOOK 3162 AT PAGE 961.
24. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN COMMUNITIZATION AGREEMENT RECORDED FEBRUARY 09, 1987 UNDER RECEPTION NO. 02087781. (WELD COUNTY RECORDS)
25. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PAID UP OIL AND GAS LEASE RECORDED JULY 22, 1991 IN BOOK 3799 AT PAGE 233.
26. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED FEBRUARY 12, 1996 IN BOOK 4680 AT PAGE 983.
27. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN SURVEY RECORDED DECEMBER 04, 1996 UNDER RECEPTION NO. C0235455.
28. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REPORT OF THE COMMISSION RECORDED FEBRUARY 10, 2000 IN BOOK 6032 AT PAGE 566.
29. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER RECORDED MAY 19, 2000 IN BOOK 6133 AT PAGE 982.
30. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN SURVEY RECORDED OCTOBER 31, 2000 UNDER RECEPTION NO. C0726609.
31. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT RECORDED NOVEMBER 21, 2000 IN BOOK 6331 AT PAGE 196.
32. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE OF OIL AND GAS INTERESTS AND SURFACE USE RECORDED DECEMBER 05, 2000 IN BOOK 6346 AT PAGE 848.
33. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED SEPTEMBER 28, 2001 UNDER RECEPTION NO. C0864344.
34. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE RECORDED MAY 09, 2002 UNDER RECEPTION NO. C0967976 AND THAT AMENDMENT RECORDED MAY 21, 2002 UNDER RECEPTION NO. C0972522.

35. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT RECORDED MAY 20, 2002 UNDER RECEPTION NO. C0971712.
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 20040316000101400.
37. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 20040316000101410.
38. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED APRIL 30, 2004 UNDER RECEPTION NO. 20040430000295940.
39. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN PIPELINE EASEMENT DEED RECORDED SEPTEMBER 28, 2004 UNDER RECEPTION NO. 20040928000953160.
40. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SURFACE USE AGREEMENT RECORDED JANUARY 18, 2005 UNDER RECEPTION NO. 20050118000055510.
41. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN EXEMPTION MAP RECORDED MAY 26, 2005 UNDER RECEPTION NO. 20050526000558920.
42. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ACCESS EASEMENT RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 20051129001307350.
43. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REQUEST FOR NOTIFICATION RECORDED DECEMBER 24, 2007 UNDER RECEPTION NO. 2007000116902.
44. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY GRANT RECORDED NOVEMBER 12, 2009 UNDER RECEPTION NO. 2009000084302 AND AMENDMENT THERETO RECORDED FEBRUARY 19, 2010 UNDER RECEPTION NO. 2010000010963.
45. ANY BOUNDARY DISCREPANCY DUE TO THE LOCATION OF FENCE LINES AND THE EFFECT OF ANY RIGHT, TITLE OR INTEREST THAT MAY BE CLAIMED DUE TO ANY SAID DISCREPANCY AS SHOWN ON ALTA/ACSM LAND TITLE SURVEY DATED JANUARY 5, 2010 AND REVISED JANUARY 19, 2010. PREPARED BY KING SURVEYORS, INC., PROJECT #2008459-B. (UNRECORDED)
46. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA; ACSM LAND TITLE SURVEY DATED APRIL 25, 2013, PREPARED BY KING SURVEYORS, INC., PROJECT 42008459: (UNRECORDED)
 - A. A GAS LINE RUNNING ALONG THE NORTHERLY, WESTERLY AND EASTERLY BOUNDARY OF THE LAND, BUT NOT WITHIN A RECORDED EASEMENT.
 - B. OVERHEAD UTILITY LINES AND UTILITY POLES LOCATED ALONG THE EASTERLY BOUNDARY OF THE LAND, BUT NOT WITHIN A RECORDED EASEMENT.
 - C. TWO TRANSFORMERS LOCATED WITHIN THE WESTERLY PORTION OF THE LAND, BUT NOT WITHIN A RECORDED EASEMENT.
 - D. BRIGHTON DITCH CROSSES PORTIONS OF SUBJECT PROPERTY.
 - E. EXISTING FENCE LINES DO NOT COINCIDE WITH THE EXACT BOUNDARIES OF THE LAND.
47. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT FOR RELOCATION OF PIPELINE AND RIGHT OF WAY RECORDED APRIL 23, 2010 UNDER RECEPTION NO. 2010000026918.
48. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION CASE #EXG2010 00008, CHALLENGER PROJECT/APEX MATERIAL SPECIALISTS RECORDED DECEMBER 08, 2010 UNDER RECEPTION NO. 2010000085369 AND UNDER RECEPTION NO. 2010000085375.

49. ADAMS COUNTY MAINTENANCE EASEMENT AS EVIDENCED BY MAP RECORDED FEBRUARY 22, 2013 UNDER RECEPTION NO. 2013000015705. PIPELINE EASEMENT DEED AND AGREEMENT WITH TODD CREEK VILLAGE METROPOLITAN DISTRICT, RECORDED FEBRUARY 24, 2017 AT RECEPTION NO. 2017000017057
50. PIPELINE EASEMENT DEED AND AGREEMENT WITH TODD CREEK VILLAGE METROPOLITAN DISTRICT, RECORDED JANUARY 26, 2017 AT RECEPTION NO. 2017000007893.
51. STORMWATER MAINTENANCE AGREEMENT RECORDED APRIL 27, 2020 AT RECEPTION NO. 2020000037900 (NOTE: CANNOT VERIFY WHETHER THIS AFFECTS SUBJECT PREMISES)
52. ANY AND ALL UNPAID TAXES AND ASSESSMENTS.

EMPIRE TITLE NORTH, LLC

Disclosures

All documents received for recording or filing in the Clerk and Recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The Clerk and Recorder will refuse to record or file any document that does not conform to the requirements of this section. Pursuant to C.R.S. 30-10-406(3)(a).

The company will not issue its policy or policies of title insurance contemplated by this commitment until it has been provided a Certificate of Taxes due or other equivalent documentation from the County Treasurer or the County Treasurer's authorized agent; or until the Proposed Insured has notified or instructed the company in writing to the contrary. Pursuant to C.R.S. 10-11-122.

No person or entity that provides closing and settlement services for a real estate transaction shall disburse funds as a part of such services until those funds have been received and are available for immediate withdrawals as a matter of right. Pursuant to C.R.S. 38-35-125(2).

The Company hereby notifies the proposed buyer in the current transaction that there may be recorded evidence that the mineral estate, or portion thereof, has been severed, leased, or otherwise conveyed from the surface estate. If so, there is a substantial likelihood that a third party holds some or all interest in the oil, gas, other minerals, or geothermal energy in the subject property. Such mineral estate may include the right to enter and use the property without the surface owner's permission. Pursuant to C.R.S. 10-11-123.

If this transaction includes a sale of property and the sales price exceeds \$100,000.00, the seller must comply with the disclosure/withholding requirements of said section. (Nonresident withholding) Pursuant to C.R.S. 39-22-604.5.

Notice is hereby given that: The subject property may be located in a special taxing district. A Certificate of Taxes due listing each taxing jurisdiction shall be obtained from the County Treasurer or the County Treasurer's authorized agent. Information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor. Pursuant to C.R.S. 10-11-122.

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of
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In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

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The WLTIC Privacy Policy can also be found on WLTIC's website at www.wltic.com.

WHEN RECORDED RETURN TO:
Austin Hamre, Esq.
Duncan Ostrander & Dingess, P.C.
3600 S. Yosemite St., #500
Denver, CO 80237

SPECIAL WARRANTY DEED

Front Range Aggregates LLC, a Delaware limited liability company ("Grantor"), for and in consideration of the sum of ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, paid by CITY OF AURORA, COLORADO, a Colorado Municipal Corporation of the Counties of Adams, Arapahoe and Douglas ("Grantee"), whose legal address is 15151 East Alameda Parkway, Suite 3600, Aurora, Colorado 80012, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee that certain property situated in the County of Weld, State of Colorado, and described as follows:

That certain tract of land (the "Land") described on Exhibit A attached hereto and incorporated herein, together with all improvements and fixtures thereon including, without limitation, any and all low permeability linings installed in or on the Land, and together with all right, title and interest of Grantor, if any, in and to any rights and appurtenances pertaining to the Land including, without limitation, all right, title and interest of Grantor in and to any adjacent roadways and/or easements, benefiting the Land and all recreation rights associated with the Land;

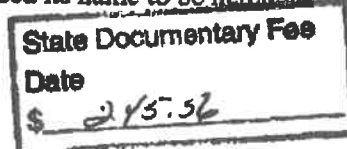
Such Land and other property described above collectively being referred to herein as the "Property".

This conveyance is made SUBJECT, however, to the matters set forth on Exhibit B attached hereto and incorporated herein, and Grantee hereby accepts those matters. This conveyance EXCLUDES any tributary water rights that were historically used on the Property.

TO HAVE AND TO HOLD the Property unto Grantee, and Grantee's successors and assigns forever, and Grantor does hereby bind Grantor, and Grantor's successors and assigns, to WARRANT and FOREVER DEFEND, all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise, and subject, however, to the matters set forth on Exhibit B, as aforesaid.

This Deed shall be governed by and construed in accordance with the laws of the State of Colorado.

IN WITNESS WHEREOF, the Grantor has caused its name to be hereunto subscribed on the day and year first above written.



70260155.1

GRANTOR:

Front Range Aggregates, LLC,
a Delaware limited liability company,

By: CIG LLC, a Delaware limited liability company, its Manager,



By: Jerrold L. Glick, Manager

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

The forgoing Deed was acknowledged before me this 18th day of June, 2013, by Jerrold L. Glick, Manager of CIG LLC, a Delaware limited liability company, Manager of Front Range Aggregates, LLC, a Delaware limited liability company.

Witness my hand and official seal

My Commission Expires: 8-29-13


Notary Public

SEAL

THOMAS J. BLAKE
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires Aug. 29, 2013

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

A PARCEL OF LAND BEING COMPRISED OF THOSE PARCELS PREVIOUSLY DESCRIBED IN SPECIAL WARRANTY DEEDS RECORDED JANUARY 24, 2005 AS RECEPTION NUMBER 20050124000078400, RECEPTION NUMBER 20050124000079330 AND RECEPTION NUMBER 20050124000079440, OF THE RECORDS OF ADAMS COUNTY, ALL BEING SITUATE IN THE NORTHWEST QUARTER (NW1/4) OF SECTION ONE (1), TOWNSHIP ONE SOUTH (T.1.S) RANGE SIXTY-SEVEN WEST (R.67W.), SIXTH PRINCIPAL MERIDIAN (6TH P.M.), COUNTY OF ADAMS, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 1 AND ASSUMING THE EAST LINE OF THE NW1/4 OF SAID SECTION 1 AS BEARING SOUTH 00 DEGREES 06 MINUTES 50 SECONDS EAST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/92, A DISTANCE OF 2293.10 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO:

THENCE SOUTH 00 DEGREES 06 MINUTES 50 SECONDS EAST A DISTANCE OF 40.00 FEET TO A LINE PARALLEL WITH AND 40.00 FEET SOUTHERLY OF, AS MEASURED AT A RIGHT ANGLE TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 1;
THENCE SOUTH 89 DEGREES 31 MINUTES 28 SECONDS WEST ALONG SAID PARALLEL LINE A DISTANCE OF 40.00 FEET TO A LINE PARALLEL WITH AND 40.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO THE EAST LINE OF THE NW1/4 OF SAID SECTION 1, AND TO THE POINT OF BEGINNING;

THENCE SOUTH 00 DEGREES 06 MINUTES 50 SECONDS EAST ALONG THE WEST LINE OF THAT PARCEL OF LAND DESCRIBED IN A DEED RECORDED MAY 20, 2005 AS RECEPTION NUMBER 20050520000542760 OF THE RECORDS OF ADAMS COUNTY, SAID LINE BEING PARALLEL WITH AND 40.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO THE EAST LINE OF THE NW1/4 OF SAID SECTION 1 A DISTANCE OF 1289.41 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED BOULDER VALLEY RAILWAY AND TO THE BEGINNING POINT OF A CURVE NON-TANGENT TO THIS COURSE;

THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND NON-TANGENT TO THE AFORESAID COURSE A DISTANCE OF 10.94 FEET, SAID CURVE HAS A RADIUS OF 2914.93 FEET, A DELTA OF 00 DEGREES 12 MINUTES 54 SECONDS AND IS SUBTENDED BY A CHORD BEARING SOUTH 66 DEGREES 13 MINUTES 06 SECONDS EAST A DISTANCE OF 10.94 FEET TO A LINE PARALLEL WITH AND 30.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO THE EAST LINE OF THE NW1/4 OF SAID SECTION 1;

THENCE SOUTH 00 DEGREES 06 MINUTES 50 SECONDS EAST ALONG A LINE PARALLEL WITH AND 30.00 FEET WESTERLY OF, AS MEASURED AT A RIGHT ANGLE TO THE EAST LINE OF THE NW1/4 OF SAID SECTION 1 A DISTANCE OF 356.12 FEET TO THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN A RESOLUTION AND DEED RECORDED DECEMBER 23, 1996 IN BOOK 4905 AT PAGE 702 OF THE RECORDS OF ADAMS COUNTY;

THENCE SOUTH 89 DEGREES 40 MINUTES 32 SECONDS WEST ALONG SAID NORTH LINE A DISTANCE OF 10.00 FEET TO THE WEST LINE OF SAID PARCEL DESCRIBED IN BOOK 4905 AT PAGE 702;
THENCE SOUTH 00 DEGREES 06 MINUTES 50 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 603.00 FEET TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 1;
THENCE SOUTH 89 DEGREES 40 MINUTES 32 SECONDS WEST ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 1 A DISTANCE OF 1073.60 FEET TO THE SOUTHEAST CORNER OF PARCEL 1 OF THE HOOD/MUHLER EXEMPTION FROM SUBDIVIDING, RECORDED MAY 26, 2005 AS RECEPTION NUMBER 20050528000558920;
THE NEXT FIVE (5) COURSES ARE ALONG THE EASTERLY LINES OF PARCEL 1 OF THE HOOD/MUHLER EXEMPTION FROM SUBDIVIDING:
THENCE NORTH 00 DEGREES 06 MINUTES 50 SECONDS WEST ALONG A LINE PARALLEL WITH THE WEST LINE OF THE NW1/4 OF SAID SECTION 1, A DISTANCE OF 603.00 FEET;
THENCE SOUTH 89 DEGREES 58 MINUTES 27 SECONDS WEST ALONG A LINE PARALLEL WITH SOUTH LINE OF THE NW1/4 OF SAID SECTION 1 A DISTANCE OF 80.25 FEET;
THENCE NORTH 20 DEGREES 53 MINUTES 10 SECONDS WEST A DISTANCE OF 545.80 FEET;
THENCE NORTH 12 DEGREES 51 MINUTES 44 SECONDS EAST A DISTANCE OF 152.00 FEET;
THENCE NORTH 10 DEGREES 16 MINUTES 02 SECONDS EAST A DISTANCE OF 544.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ABANDONED BOULDER VALLEY RAILWAY;
THENCE SOUTH 52 DEGREES 43 MINUTES 33 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 348.98 FEET TO THE SOUTHEAST CORNER OF PARCEL 3 OF SAID HOOD/MUHLER EXEMPTION FROM SUBDIVIDING;
THENCE NORTH 00 DEGREES 06 MINUTES 50 SECONDS WEST ALONG THE EAST LINE OF PARCEL 3 OF SAID HOOD/MUHLER EXEMPTION FROM SUBDIVIDING A DISTANCE OF 686.30 FEET TO THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN A DEED RECORDED MAY 20, 2005 AS RECEPTION NUMBER 20050520000542760 OF THE RECORDS OF ADAMS COUNTY, SAID LINE BEING PARALLEL WITH AND 40.00 FEET SOUTHERLY OF THE NORTH LINE OF THE NW1/4 OF SAID SECTION 1;
THENCE NORTH 89 DEGREES 31 MINUTES 26 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 938.00 FEET TO THE POINT OF BEGINNING.

NOTE: LEGAL DESCRIPTION PREPARED BY:
STEVEN A. LUND, P.L.S. 34995
FOR AND ON BEHALF OF:
KING SURVEYORS, INC.
650 E. GARDEN DRIVE
WINDSOR, CO 80550
970-686-5011

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. through 5. (ITEMS INTENTIONALLY DELETED)
6. TAXES AND ASSESSMENTS FOR THE YEAR OF CLOSING AND SUBSEQUENT YEARS, TO BE PRORATED TO THE DATE OF CLOSING PURSUANT TO PARAGRAPH 14.a.ii. OF THE PURCHASE AND SALE AGREEMENT BETWEEN GRANTOR AND GRANTEE EFFECTIVE APRIL 16, 2010.
7. and 8. (ITEMS INTENTIONALLY DELETED)
9. ANY WATER RIGHTS OR CLAIMS OR TITLE TO WATER IN, ON OR UNDER THE LAND, WHETHER OF RECORD OR NOT.
10. (ITEM INTENTIONALLY DELETED)
11. (ITEM INTENTIONALLY DELETED)
12. (ITEM INTENTIONALLY DELETED)
13. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUIT CLAIM DEED RECORDED SEPTEMBER 30, 1921 IN BOOK 101 AT PAGE 299.
14. TERMS, RESERVATIONS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUIT CLAIM DEEDS RECORDED DECEMBER 20, 1948 IN BOOK 367 AT PAGE 282 AND MAY 13, 1954 IN BOOK 497 AT PAGE 395.
15. (ITEM INTENTIONALLY DELETED)
16. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN RIGHT OF WAY AGREEMENT RECORDED OCTOBER 09, 1956 IN BOOK 631 AT PAGE 258.
17. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED MARCH 09, 1962 IN BOOK 970 AT PAGE 425 AND THAT CONSENT RECORDED MARCH 9, 1962 IN BOOK 970 AT PAGE 426.
18. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED AUGUST 03, 1964 IN BOOK 1168 AT PAGE 386.

19. TERMS, RESERVATIONS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN QUITCLAIM DEED RECORDED JANUARY 17, 1967 IN BOOK 1340 AT PAGE 479.
20. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN MINERAL DEED RECORDED AUGUST 03, 1971 IN BOOK 1720 AT PAGE 376. MINERAL DEED IN CONNECTION THEREWITH RECORDED FEBRUARY 9, 1998 IN BOOK 5229 AT PAGE 769.
21. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN CORRECTED DECLARATION OF UNITIZATION RECORDED AUGUST 17, 1976 IN BOOK 2083 AT PAGE 713 AND THAT AMENDMENT RECORDED OCTOBER 3, 1985 IN BOOK 3056 AT PAGE 831.
22. OIL AND GAS LEASE BETWEEN FLOYD N. BARNHART AND LOLA B. BARNHART AND AMOCO PRODUCTION COMPANY, RECORDED MAY 10, 1973 IN BOOK 1863 AT PAGE 28 AND THAT AFFIDAVIT RECORDED MAY 10, 1977 IN BOOK 2141 AT PAGE 842 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
23. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY GRANT RECORDED JUNE 16, 1975 IN BOOK 1999 AT PAGE 981.
24. (ITEM INTENTIONALLY DELETED)
25. (ITEM INTENTIONALLY DELETED)
26. OIL AND GAS LEASE BETWEEN ERVIN L. HOOD AND BESSIE B. HOOD AND AMOCO PRODUCTION COMPANY, RECORDED FEBRUARY 05, 1985 IN BOOK 2964 AT PAGE 272 AND THAT AFFIDAVIT RECORDED MAY 1, 1985 IN BOOK 2995 AT PAGE 566 AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
27. ANY TAX, LIEN, FEE, OR ASSESSMENT BY REASON OF INCLUSION OF SUBJECT PROPERTY IN THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT, AS EVIDENCED BY INSTRUMENT RECORDED MAY 30, 1985, IN BOOK 3006 AT PAGE 904.
28. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN QUIT CLAIM DEEDS RECORDED FEBRUARY 27, 1986 IN BOOK 3114 AT PAGE 546, IN BOOK 3114 AT PAGE 547, IN BOOK 3114 AT PAGE 548, IN BOOK 3114 AT PAGE 549, IN BOK 3114 AT PAGE 550 AND IN BOOK 3114 AT PAGE 551.
29. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE RECORDED JUNE 25, 1986 IN BOOK 3162 AT PAGE 961.

30. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN COMMUNITIZATION AGREEMENT RECORDED FEBRUARY 09, 1987 UNDER RECEPTION NO. 02087781. (WELD COUNTY RECORDS)
31. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN PAID UP OIL AND GAS LEASE RECORDED JULY 22, 1991 IN BOOK 3799 AT PAGE 233.
32. (ITEM INTENTIONALLY DELETED)
33. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN EASEMENT RECORDED FEBRUARY 12, 1996 IN BOOK 4680 AT PAGE 983.
34. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN SURVEY RECORDED DECEMBER 04, 1996 UNDER RECEPTION NO. C0235455.
35. (ITEM INTENTIONALLY DELETED)
36. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REPORT OF THE COMMISSION RECORDED FEBRUARY 10, 2000 IN BOOK 6032 AT PAGE 566.
37. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER RECORDED MAY 19, 2000 IN BOOK 6133 AT PAGE 982.
38. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN SURVEY RECORDED OCTOBER 31, 2000 UNDER RECEPTION NO. C0726609.
39. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT RECORDED NOVEMBER 21, 2000 IN BOOK 6331 AT PAGE 196.
40. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN NOTICE OF OIL AND GAS INTERESTS AND SURFACE USE RECORDED DECEMBER 05, 2000 IN BOOK 6346 AT PAGE 848.
41. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED SEPTEMBER 28, 2001 UNDER RECEPTION NO. C0864344.
42. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE

RECORDED MAY 09, 2002 UNDER RECEPTION NO. C0967976 AND THAT
AMENDMENT RECORDED MAY 21, 2002 UNDER RECEPTION NO. C0972522.

43. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REQUEST FOR NOTIFICATION OF SURFACE DEVELOPMENT RECORDED MAY 20, 2002 UNDER RECEPTION NO. C0971712.
44. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 20040316000101400.
45. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION RECORDED MARCH 16, 2004 UNDER RECEPTION NO. 20040316000101410.
46. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ZONING HEARING DECISION RECORDED APRIL 30, 2004 UNDER RECEPTION NO. 20040430000295940.
47. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN PIPELINE EASEMENT DEED RECORDED SEPTEMBER 28, 2004 UNDER RECEPTION NO. 20040928000953160.
48. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN SURFACE USE AGREEMENT RECORDED JANUARY 18, 2005 UNDER RECEPTION NO. 20050118000055510.
49. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH IN EXEMPTION MAP RECORDED MAY 26, 2005 UNDER RECEPTION NO. 20050526000558920.
50. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN ACCESS EASEMENT RECORDED NOVEMBER 29, 2005 UNDER RECEPTION NO. 20051129001307350.
51. (ITEM INTENTIONALLY DELETED)
52. (ITEM INTENTIONALLY DELETED)
53. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN REQUEST FOR NOTIFICATION RECORDED DECEMBER 24, 2007 UNDER RECEPTION NO. 2007000116902.
54. TERMS, CONDITIONS, PROVISIONS, BURDENS, OBLIGATIONS AND EASEMENTS AS SET FORTH AND GRANTED IN RIGHT OF WAY GRANT RECORDED

NOVEMBER 12, 2009 UNDER RECEPTION NO. 2009000084302 AND AMENDMENT
THERE TO RECORDED FEBRUARY 19, 2010 UNDER RECEPTION NO. 2010000010963.

55. ANY BOUNDARY DISCREPANCY DUE TO THE LOCATION OF FENCE LINES
AND THE EFFECT OF ANY RIGHT, TITLE OR INTEREST THAT MAY BE CLAIMED
DUE TO ANY SAID DISCREPANCY AS SHOWN ON ALTA/ACSM LAND TITLE
SURVEY DATED JANUARY 5, 2010 AND REVISED JANUARY 19, 2010, PREPARED BY
KING SURVEYORS, INC., PROJECT #2008459-B.

56. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE
BY REASON OF THE FOLLOWING FACTS SHOWN ON ALTA/ACSM LAND TITLE
SURVEY DATED APRIL 25, 2013, PREPARED BY KING SURVEYORS, INC., PROJECT
#2008459:

- A. A GAS LINE RUNNING ALONG THE NORTHERLY, WESTERLY AND
EASTERLY BOUNDARY OF THE LAND, BUT NOT WITHIN A
RECORDED EASEMENT.
- B. OVERHEAD UTILITY LINES AND UTILITY POLES LOCATED ALONG
THE EASTERLY BOUNDARY OF THE LAND, BUT NOT WITHIN A
RECORDED EASEMENT.
- C. TWO TRANSFORMERS LOCATED WITHIN THE WESTERLY PORTION
OF THE LAND, BUT NOT WITHIN A RECORDED EASEMENT.
- D. BRIGHTON DITCH CROSSES PORTIONS OF SUBJECT PROPERTY.
- E. EXISTING FENCE LINES DO NOT COINCIDE WITH THE EXACT
BOUNDARIES OF THE LAND.

57. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET
FORTH IN AGREEMENT FOR RELOCATION OF PIPELINE AND RIGHT OF WAY
RECORDED APRIL 23, 2010 UNDER RECEPTION NO. 2010000026918.

58. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET
FORTH IN ZONING HEARING DECISION CASE #EXG2010-00008, CHALLENGER
PROJECT/APEX MATERIAL SPECIALISTS RECORDED DECEMBER 08, 2010 UNDER
RECEPTION NO. 2010000085369 AND UNDER RECEPTION NO. 2010000085375.

59. ADAMS COUNTY MAINTENANCE EASEMENT AS EVIDENCED BY MAP
RECORDED FEBRUARY 22, 2013 UNDER RECEPTION NO. 2013000015705.

PROOF OF WATER AND SEWER SERVICES

The site will provide portable toilets (including hand washing) and bottled drinking water in the on-site office trailer and a portable toilet (including hand washing) that follows the face of the mine.

May 19, 2020



Ms. Christine FELZ

Aggregate Industries INC

PO Box 272

Concord ON L4k 1B6 Canada

Dear Christine:

United Power is the provider of electric service in the area to the proposed site, located at Tuscan St. & N Hwy 7. There is electrical distribution in the area that may or may not need to be upgraded, depending on the requirements of the site, in order to provide capacity and safe reliable power to the area.

Service will be provided according to the rules, regulations, and policies in effect by United Power at the time service is requested.

We look forward to this opportunity to provide electric service. If you have any questions, please give me a call at 303-637-1272.

Sincerely,

Micheal Hess

Micheal Hess

Senior Project Manager of the East District

HSS:ggj

TUCSON SOUTH RESOURCE
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 285 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 234.2 acres.

The Permit Boundary is comprised of two distinct mining areas separated by Tucson Street, 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:

- West - Phase 1, 137.6 acres, Tracts A, B, C, K, located north of State Highway 7 and west of Tucson Street;
- East - Phase 2, 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 - 1.6 acres, Tract N, Preferred Route
- 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 preferred conveyor route crosses a parcel owned by the City of Aurora. The optional 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 $\frac{1}{2}$ of Section 1, the NE $\frac{1}{4}$ of Section 1 and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, of Section 12, Township 1 South, Range 67 West of the Sixth Principal Meridian, Adams County, State of Colorado.

Latitude/Longitude of main entrance:

39.99007° N
104.83759° W

Tract Specific Legal Descriptions

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 $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 1 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. 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 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 WHEN 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.

TRACT N (CONVEYOR ROUTE EASTMENT)

A STRIP OF LAND BEING 25 FEET IN WIDTH, TO BE USED AS AN EASEMENT, LOCATED IN THE NORTHWEST OF SECTION 1 TOWNSHIP 1 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, SAID 25 FOOT WIDE STRIP OF LAND BEING 12.5 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1;

THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, SAID LINE ALSO BEING THE SOUTH LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, RECEPTION NUMBER 2010-018, SOUTH°89 38'46" WEST A DISTANCE OF 68.20 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°06'37" WEST, A DISTANCE OF 2219.37 FEET, SAID LINE BEING 68.20 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1, AND 27.02 FEET WEST OF THE EAST LINE OF A PARCEL OF LAND RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE WEST RIGHT OF WAY LINE OF TUCSON STREET;

THENCE SOUTH 89°31'48" WEST, A DISTANCE OF 450.84 FEET, BEING 32.79 FEET SOUTH OF AND PARALLEL TO THE NORTHERLY LINE OF SAID PARCEL AS RECORDED AT BOOK 1, PAGE 3795, SAID LINE ALSO BEING THE SOUTH RIGHT OF WAY LINE OF 168TH AVE, ALSO KNOWN AS BASELINE ROAD, SAID LINE ALSO BEING 72.92 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 57 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE NORTH 02°04'13" WEST, A DISTANCE OF 32.67 FEET TO THE POINT OF TERMINUS, FROM WHENCE THE NORTH EAST CORNER OF THE NORTHWEST QUARTER BEARS NORTH 85°06'18" EAST, A DISTANCE 521.97 FEET.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 67 WEST, MARKED ON THE SOUTH END BY AN ALUMINUM CAP IN A RANGE BOX AND MARKED PER THE MONUMENT RECORD, AND ON THE NORTH END BY AN ALUMINUM CAP MARKED PER THE MONUMENT RECORD AND CONSIDERED TO BEAR NORTH 00°06'37" WEST.



Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008076	0157101000016	Apr 24, 2020	Apr 23, 2020	2020-04-23-GE-6731

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
TUSCON SOUTH RESOURCE M2004044	AGGREGATE INDUSTRIES MGMT INC 24 CROSBY DRIVE BEDFORD MA 01730

Legal Description
 TUSCON SOUTH RESOURCE M-2004-044 SECT,TWN,RNG:1-1-67 DESC: SW4 SE4 EXC PARC IN NW COR
 EXC HIWAY AND EXC W 30 FT 30/119A

Property Code	Actual	Assessed	Year	Area	Mill Levy
1276 - 1276	114,484	8,190	2019	290	92.196
AG FLOOD IRRG LAND - 4117	24,286	7,040	2019	290	92.196
FARM/RANCH BLDG - 4279	32,197	9,340	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000199876
 Payor AGGREGATE INDUSTRIES MGMT INC

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$2,265.26	\$0.00	\$1,132.63	\$1,132.63
				\$1,132.63	\$1,132.63
Balance Due as of Apr 23, 2020					\$1,132.63

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720-523-6160

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Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008076	0157101000016	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
TUSCON SOUTH RESOURCE M2004044	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 TUSCON SOUTH RESOURCE M-2004-044 EXC HIWAY AND EXC W 30 FT 30/119A SECT,TWN,RNG:1-1-67 DESC: SW4 SE4 EXC PARC IN NW COR

Property Code	Actual	Assessed	Year	Area	Mill Levy
1276 - 1276	114,484	8,190	2019	290	92.196
AG FLOOD IRRG LAND - 4117	24,286	7,040	2019	290	92.196
FARM/RANCH BLDG - 4279	32,197	9,340	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$2,265.26	\$1,132.63	\$1,132.63	\$0.00
				\$1,132.63	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

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Account	As of Date	Parcel Number	Owner
R0179991	07/21/2020	0157101200010	CITY OF AURORA THE
Legal:	SECT,TWN,RNG:1-1-67 DESC: BEG AT THE N4 COR OF SD SEC 1 BEARING S 00D 06M 50S E 2293/10 FT TH S 00D 06M 50S E 40 FT TH S 89D 31M 25S W 40 FT TO THE POB TH S 00D 06M 50S E 1289/41 FT TO THE SLY ROW LN OF THE ABONDONED BOULDER VALLEY RAILWAY AND TO THE BEG PT OF A CURV NON TANG TO THIS COURSE TH ALG THE ARC OF A CURV CONCAVE TO THE NE AND NON TANG 10/94 FT SD CURV HAS A RAD OF 2914/93 FT A DELTA OF 00D 12M 54S AND IS SUBTENDE BY A CHD BEARING S 66D 13M 06S E 10/94 FT TH S 00D 06M 50 S E 356/12 FT TH S 89D 40M 32S W 10 FT TH S 00D 06M 50S E 603 FT TH S 89D 40M 32S W 1073/60 FT TH THE NEXT 5 COURSES TH N 00D 06M 50 S W 603 FT TH S 89D 56M 27S W 80/25 FT TH N 20D 53M 10S W 545/80 FT TH N 12D 51M 44S E 152 FT TH N 10D 16M 02S E 544 FT TH S 52D 43M 33S E 348/98 FT TH N 00D 06M 50 S W 666/30 FT TH N 89D 31M 26S E 938 FT TO THE POB 58/777A		

Situs 0 000000000

Address:

Year	Tax	Total Due
Total	\$0.00	\$0.00



Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008089	0157101000033	Apr 24, 2020	Apr 23, 2020	2020-04-23-GE-6731

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16332 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC 24 CROSBY DRIVE BEDFORD MA 01730

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 DESC AS BEG AT NW COR SD N2 SE4 TH E 1050/57 FT TH S 621/95 FT TO A LN // WITH N LN SD N2 SE4 AND 5 FT S OF EXISTING HOUSE TH W 1050/57 FT TO W LN SD N2 SE4 TH N 621/95 FT TO POB EXC W 40 FT 14/43A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	7,215	2,090	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000199876
 Payor AGGREGATE INDUSTRIES MGMT INC

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$192.68	\$0.00	\$96.34	\$96.34
				\$96.34	\$96.34
Balance Due as of Apr 23, 2020					\$96.34

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008089	0157101000033	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16332 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 DESC AS BEG AT NW COR SD N2 SE4 TH E 1050/57 FT TH S 621/95 FT TO A LN // WITH N LN SD N2 SE4 AND 5 FT S OF EXISTING HOUSE TH W 1050/57 FT TO W LN SD N2 SE4 TH N 621/95 FT TO POB EXC W 40 FT 14/43A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	7,215	2,090	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$192.68	\$96.34	\$96.34	\$0.00
				\$96.34	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008090	0157101000034	Apr 24, 2020	Apr 23, 2020	2020-04-23-GE-6731

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16312 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC 24 CROSBY DRIVE BEDFORD MA 01730

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 DESC AS BEG AT NW COR SD N2 SE4 TH S 621/95 FT TO A LN // WITH N LN SD N2 SE4 AND 5 FT S OF EXISTING HOUSE AND THE POB TH E 1050/57 FT TH N 621/95 FT TO N LN SD N2 SE4 TH E 1635/47 FT TO NE COR SD N2 SE4 TH S 590/02 FT TO C/L S PLATTE RIVER TH SLY ALG SD C/L S 53D 55M W 142/93 FT TO A LN THAT IS 646/34 FT N OF AND // WITH S LN SD N2 SE4 TH W 1324/16 FT TO A LN THAT IS 1250 FT E OF AND // WITH W LN SD N2 SE4 TH S 169/08 FT TO A LN THAT IS 477/26 FT N OF AND // WITH S LN SD N2 SE4 TH W 1250 FT TO W LN SD N2 SE4 TH N 207/94 FT TO POB EXC W 40 FT 30/73A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	15,365	4,460	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000199876
 Payor AGGREGATE INDUSTRIES MGMT INC

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$411.20	\$0.00	\$205.60	\$205.60
				\$205.60	\$205.60
Balance Due as of Apr 23, 2020					\$205.60

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008090	0157101000034	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16312 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 DESC AS BEG AT NW COR SD N2 SE4 TH S 621/95 FT TO A LN // WITH N LN SD N2 SE4 AND 5 FT S OF EXISTING HOUSE AND THE POB TH E 1050/57 FT TH N 621/95 FT TO N LN SD N2 SE4 TH E 1635/47 FT TO NE COR SD N2 SE4 TH S 590/02 FT TO C/L S PLATTE RIVER TH SLY ALG SD C/L S 53D 55M W 142/93 FT TO A LN THAT IS 646/34 FT N OF AND // WITH S LN SD N2 SE4 TH W 1324/16 FT TO A LN THAT IS 1250 FT E OF AND // WITH W LN SD N2 SE4 TH S 169/08 FT TO A LN THAT IS 477/26 FT N OF AND // WITH S LN SD N2 SE4 TH W 1250 FT TO W LN SD N2 SE4 TH N 207/94 FT TO POB EXC W 40 FT 30/73A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	15,365	4,460	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$411.20	\$205.60	\$205.60	\$0.00
				\$205.60	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008091	0157101000035	Apr 24, 2020	Apr 23, 2020	2020-04-23-GE-6731

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16202 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC 24 CROSBY DRIVE BEDFORD MA 01730

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 LYING N AND W OF C/L SOUTH PLATTE RIVER DESC AS BEG AT SW COR SD N2 SE4 SD PT BEING THE POB TH N 477/26 FT TH E 1250 FT TH N 169/08 FT TH E 1324/16 FT TO C/L SOUTH PLATTE RIVER TH THE FOL COURSES AND DIST ALG SD C/L S 53D 55M W 94/57 FT S 32D 39M W 231/53 FT S 26D 54M W 242/48 FT S 15D 48M W 187/17 FT TO S LN SD N2 SE4 TH W 2210/47 FT TO POB EXC W 40 FT 29/56A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	29,560	8,570	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000199876
 Payor AGGREGATE INDUSTRIES MGMT INC

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$790.12	\$0.00	\$395.06	\$395.06
				\$395.06	\$395.06
Balance Due as of Apr 23, 2020					\$395.06

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008091	0157101000035	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16202 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 LYING N AND W OF C/L SOUTH PLATTE RIVER DESC AS BEG AT SW COR SD N2 SE4 SD PT BEING THE POB TH N 477/26 FT TH E 1250 FT TH N 169/08 FT TH E 1324/16 FT TO C/L SOUTH PLATTE RIVER TH THE FOL COURSES AND DIST ALG SD C/L S 53D 55M W 94/57 FT S 32D 39M W 231/53 FT S 26D 54M W 242/48 FT S 15D 48M W 187/17 FT TO S LN SD N2 SE4 TH W 2210/47 FT TO POB EXC W 40 FT 29/56A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	29,560	8,570	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$790.12	\$395.06	\$395.06	\$0.00
				\$395.06	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0008091	0157101000035	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
16202 TUCSON ST	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PT OF N2 SE4 SEC 1 LYING N AND W OF C/L SOUTH PLATTE RIVER DESC AS BEG AT SW COR SD N2 SE4 SD PT BEING THE POB TH N 477/26 FT TH E 1250 FT TH N 169/08 FT TH E 1324/16 FT TO C/L SOUTH PLATTE RIVER TH THE FOL COURSES AND DIST ALG SD C/L S 53D 55M W 94/57 FT S 32D 39M W 231/53 FT S 26D 54M W 242/48 FT S 15D 48M W 187/17 FT TO S LN SD N2 SE4 TH W 2210/47 FT TO POB EXC W 40 FT 29/56A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	29,560	8,570	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$790.12	\$395.06	\$395.06	\$0.00
				\$395.06	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

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Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0167871	0157101300002	Apr 24, 2020	Apr 23, 2020	2020-04-23-GE-6731

AGGREGATE INDUSTRIES WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
0 000000000	AGGREGATE INDUSTRIES MGMT INC 24 CROSBY DRIVE BEDFORD MA 01730

Legal Description
 SECT,TWN,RNG:1-67- TRACT:1 DESC: SW4 EXC ROW EXC PARCS AND EXC HIWAY 84/8630A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 35-99.99 AC - 0550	500,692	145,200	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000199876
 Payor AGGREGATE INDUSTRIES MGMT INC

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$13,386.86	\$0.00	\$6,693.43	\$6,693.43
				\$6,693.43	\$6,693.43
Balance Due as of Apr 23, 2020					\$6,693.43

WE ARE EXPANDING TO SERVE YOU BETTER! WATCH FOR NEW LOCATIONS ON OUR WEBSITE!

4430 S ADAMS COUNTY PKWY C2436
 BRIGHTON CO 80601
 MON - FRI 7 AM - 5 PM

720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!



Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0167871	0157101300002	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
0 000000000	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-67- TRACT:1 DESC: SW4 EXC ROW EXC PARCS AND EXC HIWAY 84/8630A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 35-99.99 AC - 0550	500,692	145,200	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$13,386.86	\$6,693.43	\$6,693.43	\$0.00
				\$6,693.43	\$0.00
Balance Due as of Jun 11, 2020					\$0.00

WE ARE EXPANDING TO SERVE YOU BETTER! WATCH FOR NEW LOCATIONS ON OUR WEBSITE!

4430 S ADAMS COUNTY PKWY C2436
 BRIGHTON CO 80601
 [Currently closed to the public. Please use website services www.adcotax.com]

Email: treasurer@adcogov.org
 Telephone: 720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!



Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Effective Date	Receipt Number
R0134288	0157101100002	Jun 15, 2020	Jun 11, 2020	2020-06-11-SM-9354

AGGREGATE INDUSTRIES-WCR INC
 1687 COLE BLVD STE 300
 GOLDEN, CO 80401-3318

Situs Address	Payor
0	AGGREGATE INDUSTRIES MGMT INC. 6211 N ANN ARBOR RD DUNDEE, MI 48131

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: PARCEL B PARC OF LAND IN THE S2 OF THE NE4 OF SEC 1 DESC AS FOLS
 BEG AT THE E4 COR OF SD SEC 1 TH W 2445/14 FT TH N 827/14 FT TH 214/58 FT ALG THE ARC OF A
 CURV TO THE RT HAV A RAD 2944/62 FT AND A LONG CHD WHICH BRS N 69D 36M W 214/53 FT TO A PT
 40 FT ELY FROM THE W LN OF THE NE4 OF SD SEC 1 TH N 32/52 FT TH 305/94 FT ALG THE ARC OF A
 CURV TO THE LEFT HAV A RAD OF 2914/62 FT AND A LONG CHD WHICH BRS S 70D 16M E 305/80 FT TH
 S 73D 16M E 2463/67 FT TH S 108/13 FT TO THE POB 27/2430A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 10-34.99 AC - 0540	27,423	7,950	2019	290	92.196

Payments Received
 Check Multi-Account Payment
 Check Number 4000204052
 Payor AGGREGATE INDUSTRIES

Payments Applied					
Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Tax Charge	\$732.96	\$366.48	\$366.48	\$0.00
				\$366.48	\$0.00
		Balance Due as of Jun 11, 2020			\$0.00

WE ARE EXPANDING TO SERVE YOU BETTER! WATCH FOR NEW LOCATIONS ON OUR WEBSITE!

4430 S ADAMS COUNTY PKWY C2436
 BRIGHTON CO 80601
 [Currently closed to the public. Please use website services www.adcotax.com]

Email: treasurer@adcogov.org
 Telephone: 720-523-6160

ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!



Adams County Treasurer

Receipt of Tax Payment

Account	Parcel Number	Receipt Date	Receipt Number
R0008078	0157101000018	Jun 25, 2020	2020-06-25-SA-10335-P

AGGREGATE INDUSTRIES - WCR INC
 1707 COLE BLVD STE 100
 GOLDEN, CO 80401-3219

Situs Address	Payor
0	AGGREGATE INDUSTRIES - WCR INC 1707 COLE BLVD STE 100 GOLDEN, CO 80401-3219

Legal Description
 SECT,TWN,RNG:1-1-67 DESC: BEG AT SW COR SEC 1 TH N 1449 FT TH S 84D 05M E 1334/7 FT TO POB TH S 69D 18M E 260/7 FT TH N 07D 32M E 171/6 FT TH N 69D 18M W 260/7 FT TH S 07D 32M W 171/6 FT TO POB 1A

Property Code	Actual	Assessed	Year	Area	Mill Levy
UNIM LND 35-99.99 AC - 0550	5,900	1,710	2019	294	95.761

Payments Received

Check	\$233.09
Check Number 4000204650	
Payor AGGREGATE INDUSTRIES	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2019	Interest Charge	\$3.28	\$0.00	\$3.28	\$0.00
2019	Tax Charge	\$163.76	\$0.00	\$163.76	\$0.00
2018	ADVERTISING FEE	\$20.00	\$20.00	\$0.00	\$0.00
2018	CERT OF PURCH FEE	\$13.00	\$13.00	\$0.00	\$0.00
2018	Redemption Fee	\$7.00	\$0.00	\$7.00	\$0.00
2018	Interest Charge	\$1.42	\$1.42	\$0.00	\$0.00
2018	Lien Interest Charge	\$4.37	\$0.00	\$4.37	\$0.00
2018	Tax Charge	\$20.26	\$20.26	\$0.00	\$0.00
2018	Lien	\$54.68	\$0.00	\$54.68	\$0.00
				\$233.09	\$0.00
Balance Due as of Jun 25, 2020					\$0.00

Account	As of Date	Parcel Number	Owner
R0008077	07/21/2020	0157101000017	CITY OF AURORA
Legal:	SECT,TWN,RNG:1-1-67 DESC: BEG AT NW COR SW4 SE4 TH E 880 FT TH S 250 FT TH W 880 FT TO W LN SD SW4 SE4 TH N 250 FT TO POB EXC W 30 FT 4/83A		
Situs Address:	0		
Year		Tax	Total Due
Total		\$0.00	\$0.00

Account	As of Date	Parcel Number	Owner
R0008084	07/21/2020	0157101000028	CITY OF AURORA
Legal:	SECT,TWN,RNG:1-1-67 DESC: PT OF THE SW4 OF SEC 1 DESC AS BEG AT THE CENTER SD SEC 1 TH N 90D 00M 00S W 30 FT TO THE TRUE POB TH CONT ALG SD LN A DIST OF 324/12 FT TH S 00D 11M 00S W 672 FT TH N 90D 00M 00S E 324/12 FT TH N 00D 11M 00S E 672 FT TO THE POB 5/50A		
Situs Address:	16315 TUCSON ST		
Year		Tax	Total Due
Total		\$0.00	\$0.00

Account	As of Date	Parcel Number	Owner
R0113598	07/21/2020	0157101002001	CITY OF THORNTON
Legal:	SUB:TUCSON RESOURCES SUBDIVISION LOT:1 (LAND ONLY)		

**Situs
Address:**

Year	Tax	Total Due
Total	\$0.00	\$0.00

Account	As of Date	Parcel Number	Owner
R0167838	07/21/2020	0157101300001	CITY OF AURORA

Legal: SECT,TWN,RNG:1-67- TRACT:1 DESC: PT OF THE SW4 OF SEC 1 DESC AS FOLS BEG AT THE SW COR OF SD SW4 TH N 1100 FT TO THE POB TH CONT N 1555/90 FT TH E 1623/37 FT TH S 43D 28M W 515/25 FT TH S 19D 00M W 1408/34 FT TH N 88D 48M E 118/37 FT TH S 24D 39M W 399/44 FT TH S 11D 35M W 274/54 FT TH N 50D 22M W 43/07 FT TO THE BEG OF A NON-TANG CURV TO THE LEFT THE RAD OF SD CURV IS 5930 FT THE DELTA OF SD CURV IS 01D 02M THE CHD OF SD CURV BRS W 107/50 FT TH ALG SD NLY ROW LN AND ALG THE ARC OF SD CURV A DIST OF 107/5 FT TH ALG THE FOL 5 COURSES N 04D 43M E 62/94 FT TH N 07D 26M E 226/62 FT TH S 88D 48M W 403/87 FT TH N 08D 30M E 461/72 FT TH N 87D 51M W 270 FT TO THE POB 49/0270A

Situs Address: 12255 E 160TH AVE 000000000

Year	Tax	Total Due
Total	\$0.00	\$0.00



July 21, 2020

Ms. Christine Felz
LafargeHolcim Ltd
1687 Cole Boulevard
Suite 300
Golden, CO 80401

Re: Tucson South Trip Generation and Access Evaluation Study Letter
Adams County, Colorado

Dear Ms. Felz:

This traffic study letter documents a project trip generation and access evaluation analysis for the proposed Tucson South project located in Adams County, Colorado. More specifically, the site proposes two gravel mining areas, a west site and an east site, with operations only occurring at one site at a time. The west and east sites are located on the northwest and northeast corners of the State Highway 7 (SH-7) and Tucson Street intersection, respectively.

Project Specifics

The Tucson South project is expected to include operations in two phases. The first phase will include having mining operations on the west site beginning in 2021 and continuing for a span of approximately four years. Once operations are complete on the west site, the east site will begin operations for a period of approximately four additional years. Therefore, overall mining operations are expected to occur for eight (8) years from the beginning of 2021 to the end of 2028 or beginning of 2029. Mining operations are expected to occur Monday through Saturday from 7:00 AM to 7:00 PM. Trips for the mining operations are expected to occur from six (6) employee passenger vehicles while a water truck is expected on weekly basis. Other truck trips are not expected to occur on a regular basis due to material being transferred from the site to the north by a conveyor system. After the west site operations are complete, small mining reclamation may occur on the west site while the east site is in operation but is likely to only have one or two vehicle trips per week. A conceptual site plan of the proposed development is attached.

Equipment will be hauled in for mining operations on lowboy trailers for a duration of up to a week at the beginning of the project. Landscaping materials for the project will also be hauled in on trucks during the first week of the project.

Existing Site Area and Roadway Network

The existing site is comprised of vacant land used for agricultural purposes. The extended area consists primarily of rural residences and single-family residences to the east and west with a mix of some commercial uses to the east along US-85. A vicinity map illustrating the location is attached in **Figure 1**.

Regional access to the site will be provided by E-470, I-25, I-76, and US-85 while primary access will be provided by 160th Avenue (SH-7), 168th Avenue, and Tucson Street. Direct access to the site will be provided from a full movement access on the west side of Tucson Street and one full movement access on the east side of Tucson Street. These two access locations are not determined at this time, but ideally, they would align to avoid offset intersections. However, since operation periods for the west and east sites are staggered, these access locations could be offset.

160th Avenue (SH-7) is a CDOT Highway and is classified as an R-A: Regional highway. SH-7 provides one lane of travel in each direction, eastbound and westbound, with left-turn lanes at all

major intersections and a posted speed limit of 50 miles per hour adjacent to the project site. Tucson Street is a local roadway that provides one lane of travel in each direction, northbound and southbound, with a 40 mile per hour posted speed limit.

Trip Generation

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. Trip generation is based on the ITE Trip Generation, 10th Edition (current edition) average rates for Light Industrial (ITE Code 110) for traffic associated with the proposed use.

The following summarizes the anticipated trip generation for the proposed mine (trip generation calculations are attached). Project generated traffic volumes are identified on a weekday daily as well as on a morning peak hour and afternoon peak hour basis. The morning peak hour is the highest one-hour time period of adjacent street traffic during four consecutive 15-minute intervals during the morning peak hour, between 7:00 am and 9:00 am. The afternoon peak hour is the highest one-hour time period of four consecutive 15-minute intervals between the hours of 4:00 pm and 6:00 pm representing the afternoon peak hour.

As summarized in the **Table 1**, the proposed Tucson South project is anticipated to generate approximately 18 weekday daily trips, with 3 trips (2 in and 1 out) occurring during the morning peak hour, and 4 trips (1 in and 3 out) occurring during the afternoon peak hour. **Table 1** provides the trip generation summary for the Tucson South project.

Table 1 – Tucson South ITE Traffic Generation

Land Use and Size	Daily Vehicle Trips	Weekday Vehicle Trips					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Light Industrial (ITE 110) – 6 Employees	18	2	1	3	1	3	4

Given the specific nature of this site, a methodology separate from the typical ITE Trip Generation Manual and Handbook was also developed based on user specific data to determine the trip generation potential. The trip rate projections for the Tucson South project has been developed based on anticipated employee staffing. Based on this user specific information with six employees, Tucson South is expected to generate approximately 18 daily weekday vehicle trips, with 6 of these trips occurring during both the morning and afternoon peak hours if all employees arrived and departed in a common peak hour. **Table 2** summarizes the estimated user specific trip generation for the proposed development.

Table 2 – Tucson South User Specific Traffic Generation

Land Use and Size	Daily Vehicle Trips	Weekday Vehicle Trips					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
User Specific Trip Generation 6 Employees	18	6	0	6	0	6	6

Sight Distance Triangles and Access Evaluation

It is recommended that appropriate sight distance be provided at the site access points to give drivers exiting the site a clear view of oncoming traffic. Vegetation and objects within sight distance triangles must not obstruct drivers' views of the adjacent travel lanes. AASHTO design intersection sight distances for left turn from stop and right turn from stop were evaluated at the accesses along Tucson Street.

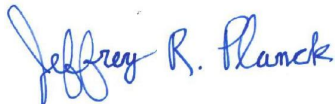
Since trips are expected to occur from passenger vehicles with exception of one water truck trip per week, only sight distance for passenger vehicles was evaluated. With a speed limit of 40 miles per hour along Tucson Street, the intersection sight distance for a vehicle turning left from stop is 445 feet, while the sight distance for a vehicle turning right from stop is 385 feet. Therefore, all obstructions for left turning vehicles from stop should be clear to the right within the triangle created with a vertex point located 14.5 feet from the edge of the major road traveled way (typical position of the minor road driver's eye when stopped) and a line of sight distance of 445 feet located in the middle of the through lane along Tucson Street. Likewise, all obstructions for right turning vehicles from stop should be clear to the left within the triangle created with a vertex point located 14.5 feet from the edge of the major road traveled way and a line of sight distance of 385 feet located in the middle of the approaching through lane. Based on the furthest line of sight distance requirement being 445 feet, the accesses along Tucson Street should be located a minimum of 450 feet north of SH-7. If possible, it is recommended that these accesses to the west site and east site align. At this location, it is believed that appropriate sight distance can be achieved along Tucson Street as the roadway has no vertical or horizontal curvature through this section of roadway.

Conclusions

In summary, this traffic study letter provides project traffic generation estimates and an access evaluation to identify project traffic related impacts on the local street system. Kimley-Horn believes the proposed Tucson South project will be successfully incorporated into the existing roadway network. The project is anticipated to generate approximately 18 weekday daily trips, with 6 of these trips occurring during both the morning and afternoon peak hours. Further, it is recommended that the two accesses proposed along the west and east sides of Tucson Street be located a minimum of 450 feet north of 160th Avenue (SH-7) and align if possible. If you have any questions or require anything further, please feel free to call me at (720) 943-9962.

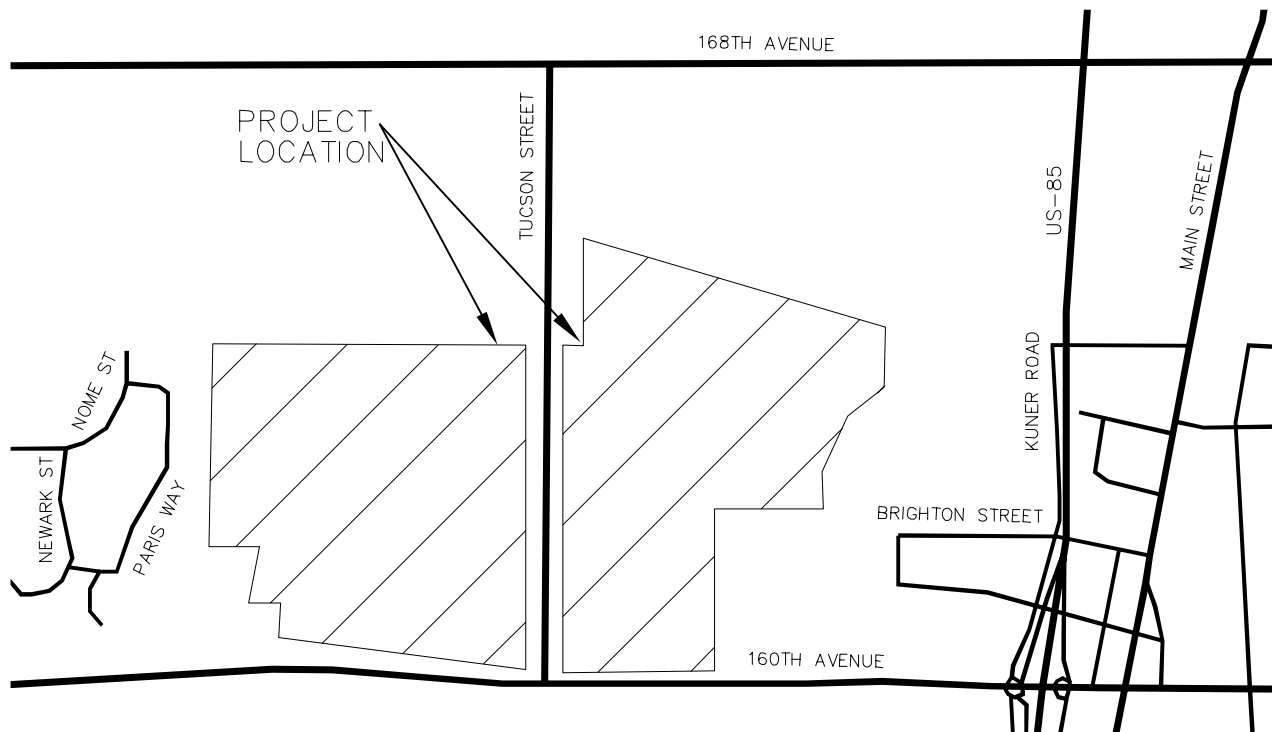
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Jeffrey R. Planck, P.E.
Project Manager





TUCSON SOUTH
VICINITY MAP

FIGURE 1

Project Tucson South
 Subject Trip Generation for General Light Industrial
 Designed by TES Date July 16, 2020 Job No. 096548007
 Checked by _____ Date _____ Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 10th Edition, Average Rate Equations

Land Use Code - General Light Industrial (110)

Independant Variable - Employees (X)

Employees = **6.00**

X = 6.00

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (100 Series Page 12)

Average Weekday		Directional Distribution:	83% ent.	17% exit.
(T) = 0.52 (X)		T = 3	Average Vehicle Trip Ends	
(T) = 0.52 *	6	2 entering	1	exiting
		2 + 1	=	3

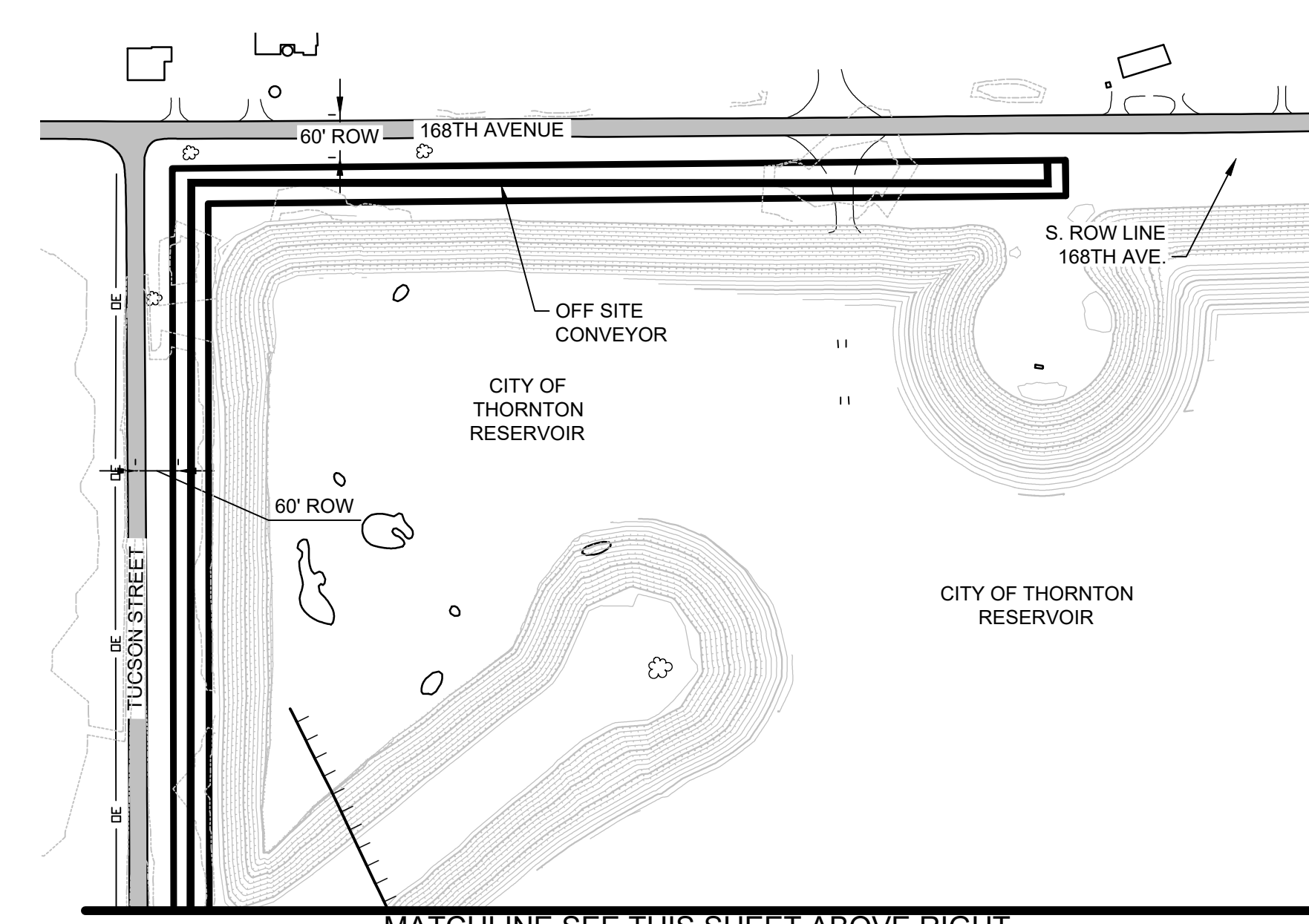
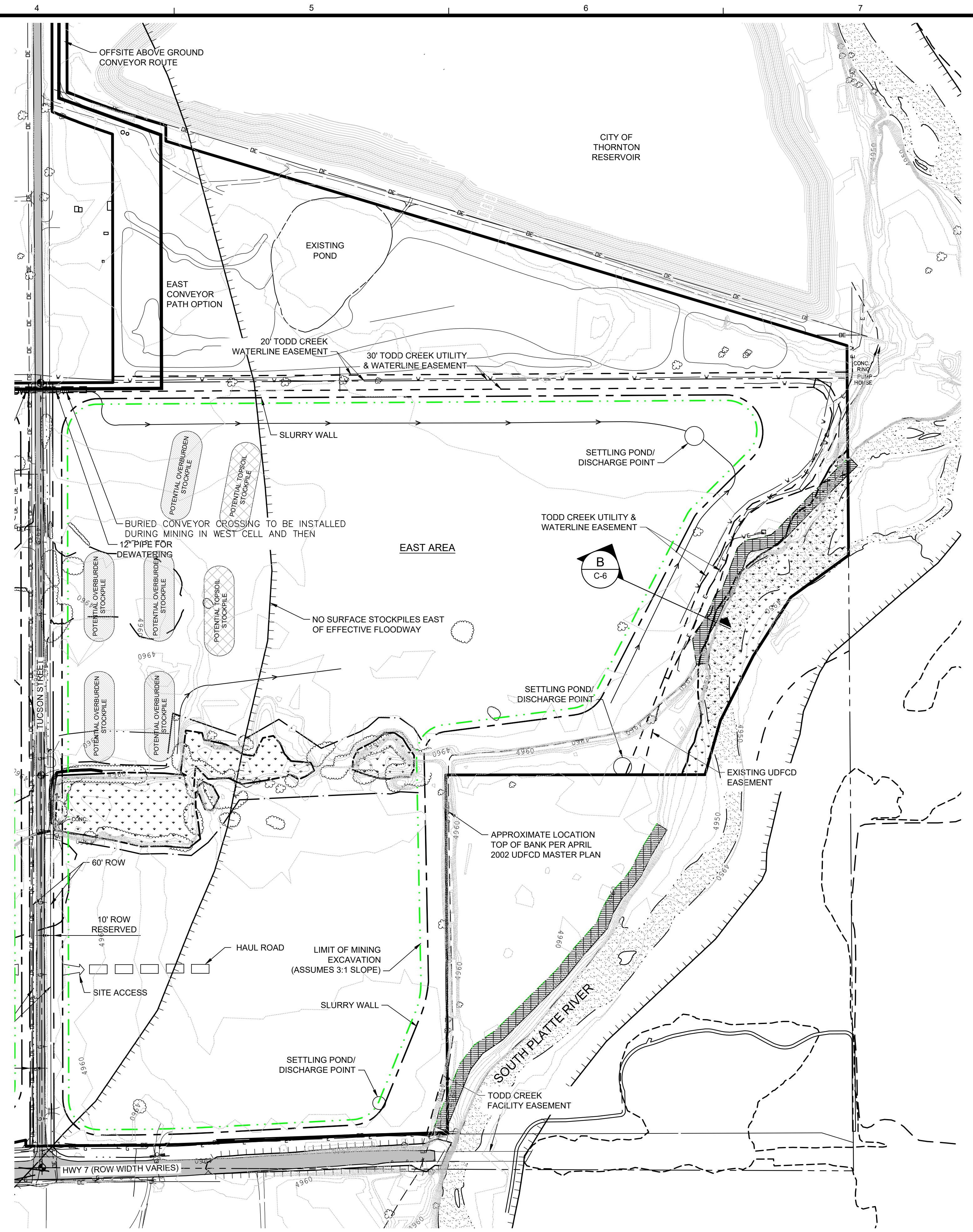
Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (100 Series Page 13)

Average Weekday		Directional Distribution:	22% ent.	78% exit.
T = 0.67 (X)		T = 4	Average Vehicle Trip Ends	
(T) = 0.67 *	6	1 entering	3	exiting
		1 + 3	=	4

Weekday (100 Series Page 11)

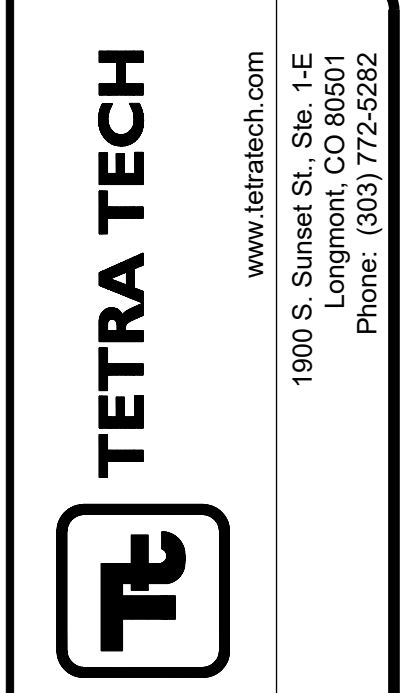
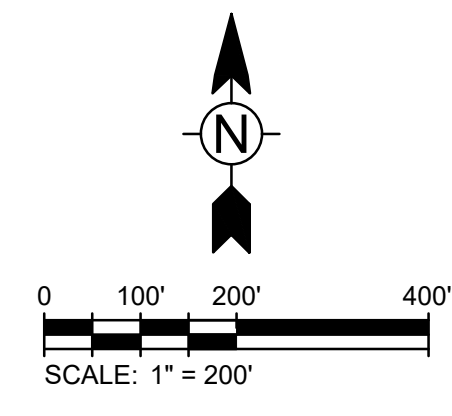
Average Weekday		Directional Distribution:	50% entering,	50% exiting
T = 3.05 (X)		T = 18	Average Vehicle Trip Ends	
(T) = 3.02 *	6	9 entering	9	exiting
		9 + 9	=	18

4/29/2020 3:16:28 PM - DRAWING1.DWG - ANDRYALUSKAS, JEREMY



CERTIFICATION:

THIS MAP WAS ORIGINALLY PREPARED & CERTIFIED BY TETRATECH, 3/15/2019, PROJECT NUMBER 200-23514-18004. MODIFIED BY MARK SPANIEL WITH LAFARGEHOLCIM 4/30/2020.



MARK	DATE	DESCRIPTION	BY
1	7/8/19	FIRST ADEQUACY REVIEW RESPONSE	TH
2	9/16/19	SECOND ADEQUACY REVIEW RESPONSE	TH
3	11/8/19	THIRD ADEQUACY REVIEW RESPONSE	TH
4	5/1/20	REMOVE SOUTH AREA FROM MINING PLAN	MES

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH RESOURCE
EXHIBIT C
EAST & WEST
AREA MINING PLAN

Project No.: 200-23514-18004
Designed By:
Drawn By:
Checked By:

C-4/C-5
EXHIBIT

Bar Measures 1 inch

NEIGHBORHOOD MEETING SUMMARY

Aggregate Industries-WCR, Inc. hosted a neighborhood meeting for the Tucson South Resource application on Monday, June 1 2020. The purpose of this meeting was to share information and solicit input from the community. In the process of developing the CUP application, we chose to exceed the Adams County neighborhood notification area by sending neighborhood meeting notices to property owners up to 1,320 feet (one-quarter mile) from the proposed project instead sending to owners just 500 feet from the project. We also created an easily accessible project website (www.tucsonsouthmineproject.com) for the project to serve as an information resource for neighbors. Following the neighborhood meeting, we sent another letter to the same pool of neighbors, to announce that the website was live and soliciting feedback.

The neighborhood meeting followed Adams County Memorandum for Neighborhood Meeting Guidance, COVID-19. Due to COVID-19 considerations, this meeting was held virtually on Zoom at 6pm.

Aggregate Industries engaged Stacy Stout of BRANDiac Strategies, Inc. to facilitate a virtual neighborhood meeting for neighbors surrounding the Tucson South property. Ms. Stout consulted on the virtual meeting platform, meeting objectives, the agenda, and crafted a moderator's schedule to guide the conversation. The following items are included in this summary:

- Facilitator's report
- Neighborhood Meeting Notice
- Neighborhood Meeting Mailing List
- Neighborhood Meeting Mailing Map
- Zoom Chat
- Question and Answer Sheet (FAQ) - Please note this document will be updated throughout the permitting process

Facilitator's Report

TUCSON SOUTH RESOURCE CONDITIONAL USE PERMIT APPLICATION

**Neighborhood Zoom Meeting Summary
June 1, 2020**

Prepared by:



Prepared for:

Aggregate Industries

Tucson South Resource Conditional Use Permit Application

Neighborhood Zoom Meeting Recap - June 1, 2020

Facilitator: Stacy Stout, FSMPS, CPSM

In May, Aggregate Industries engaged Stacy Stout of BRANDiac Strategies, Inc. to facilitate a virtual neighborhood meeting for neighbors surrounding the Tucson South property. Ms. Stout consulted on the virtual meeting platform, meeting objectives, the agenda, and crafted a moderator's schedule to guide the conversation. She facilitated the June 1st virtual meeting and prepared this summary.

This summary presents an overview of the key highlights and discussion points from the meeting, including a re-cap of Aggregate Industries' presentation on the application.

The purpose of the Neighborhood Outreach Meeting was to share information and solicit input through an open, dynamic process that included community groups in the defined area within 1,320 feet of the proposed project. This meeting is required before a conditional use permit is submitted to Adams County. The focus of the meeting was the parcel of land bounded by Hwy 7 to the South, 168th Avenue to the North, and adjacent to Tucson Street on the East and West, which is privately owned by Aggregate Industries. This executive summary highlights the results of the first input session held on June 1, 2020.

Due to COVID-19, the meeting was held virtually at 6 p.m. through Zoom. For those who missed the meeting, you can watch the recording which has been posted to the project website.

Tucson South Resource Conditional Use Permit Application

Neighborhood Zoom Meeting Recap - June 1, 2020

Facilitator: Stacy Stout, FSMPS, CPSM

MEETING AGENDA

The hour-long meeting covered the following topics:

- Introduction of Aggregate Industries Representatives
- Aggregate Industries Company Background
- Overview of the Tucson South Resource Conditional Use Permit Application
- Next Steps
- Questions & Answers from Participants

AGGREGATE INDUSTRIES REPRESENTATIVES

Company representative, Chance Allen, general manager of Aggregate Industries' Mountain Region, introduced himself as well as Christine Felz, who is Aggregate Industries' Land and Environment manager in Colorado, who was in attendance to assist in responding to questions.

AGGREGATE INDUSTRIES COMPANY BACKGROUND

- Aggregate Industries employs about 100 employees who reside in Adams County.
- As your neighbors, Aggregate Industries is committed to being part of the communities in which they operate.
- Aggregate Industries is a member of the Brighton Chamber of Commerce and also engages in the communities where it operates by providing school or children's organizations tour opportunities to enhance learning about science and geology.
- Aggregate Industries currently has a facility in the Platte Valley just north of the Tucson

South property in Weld County, which is an important link to the Tucson South facility.

- Aggregate Industries has supplied 75% of the aggregate in Adams County for various projects. One of the local neighborhoods that their product helped build was the Todd Creek neighborhood.
- Like most products, it's important to have locally sourced resources, including aggregate. A single lane mile of highway costs 30% less if it is built with local aggregate that is sourced within five miles of the location. For highways and bridges, that means taxpayers' hard earned tax dollars can be stretched farther.

OVERVIEW OF THE TUCSON SOUTH RESOURCE CONDITIONAL USE PERMIT APPLICATION

Following the company background, Mr. Allen provided an overview of the highlights of the permit application:

Project Scope:

Aggregate Industries is proposing to mine just the two parcels north of Highway 7. The boundaries of the parcels can be seen on the Exhibit included on the website.

Material Transport and Traffic:

Aggregate Industries' Wattenberg/Platte Valley facility is located to the north of the parcels in Weld County. They will use a conveyor to move the material mined from those two parcels up to Platte Valley for processing. The benefit of this approach eliminates traffic and roadway wear concerns on Highway 7, Tucson Street and 168th

Tucson South Resource Conditional Use Permit Application

Neighborhood Zoom Meeting Recap - June 1, 2020

Facilitator: Stacy Stout, FSMPS, CPSM

Avenue. The conveyor also eliminates emissions associated with trucks, as well as the need for on-site material processing. Processing will be done in their Weld County facility.

Environmental Controls:

This project location is in what is called a water disturbed area. This means that the product is moist material and that there is minimal dust associated with removing the product from its moist environment.

In general, all of these types of operations are subject to strict and enforceable limits on emissions, particularly dust, by the Colorado Department of Public Health and Environment. Aggregate Industries is required to follow all of CDPHE's laws and regulations.

In this location, Aggregate Industries will sequentially mine the area. This means that they start in one area and as they move to the next area they will simultaneously begin reclamation, which reveals some of the changes that lead to the development of the future water storage facility.

Aggregate Industries plans to go above and beyond what is required at this location. Specifically, Aggregate Industries will conduct air modeling using a third party's model. The results will be submitted to the Adams County Health Department for review, giving the County confirmation there are safe air quality levels well below the U.S. EPA's National Ambient Air Quality Standard limits.

Aggregate Industries will also install two air quality monitors with the data being submitted to Adams

County monthly. The monitors will be placed based on the predominant wind directions and air quality monitoring analysis recommendations from an air quality expert.

Finally, Aggregate Industries will also establish a community hotline for any air quality concerns, and on-site speed limits for mining and maintenance equipment for the entire length of the mine's life.

Mining and Reclamation Timeline:

Aggregate Industries will mine and reclaim the site within eight years starting from the date the conveyor construction is complete. The eight-year commitment is based on operating hours at the facility of Monday through Saturday from 7 a.m. to 7 p.m. There would be no mining on Sundays. They are committed to this schedule to ensure that the eight-year time frame is met.

Future Reservoirs (Water Storage Facilities)

Ultimately, this facility becomes a water reservoir (which is defined as a water storage facility). One feature of such a facility will include a pedestrian trail.

The trail will have native plantings alongside it and will be what is called a crusher fines trail, which is aggregate about the size of dimes that is easy to walk or run on or to push a stroller or pull a child's wagon, while users enjoy the unobstructed view of the water storage facility.

City of Aurora Commitments

At the recommendation of Adams County, Aggregate Industries is encouraging conversations about the potential future use of the property with

Tucson South Resource Conditional Use Permit Application

Neighborhood Zoom Meeting Recap - June 1, 2020

Facilitator: Stacy Stout, FSMPS, CPSM

the City of Aurora. This may ultimately require an intergovernmental agreement between Adams County and the City of Aurora.

Future Use of the South Parcel

The South parcel of land has been removed from the conditional use permit application with the County and from the permit with the State Division of Reclamation, Mining and Safety. This adjustment allowed Aggregate Industries to eliminate truck traffic from the highway.

Aggregate Industries will work with Adams County Parks and Open Space and the City of Brighton Parks and Recreation departments to determine the future use of the land. Some of the ideas proposed include: creating an improved upland meadow with pollinator seed mix, adding educational signs featuring wildlife and the South Platte corridor or creating a vehicle pull off area to view wildlife.

NEXT STEPS IN APPLICATION PROCESS

Based on this meeting and feedback gathered, Aggregate Industries will submit its revised Tucson South Resource Conditional Use Permit Application to Adams County Community & Economic Development Department soon.

Throughout the process, Aggregate Industries will meet with key Adams County staff, attend public meetings and continue dialogue with neighbors.

QUESTIONS AND ANSWERS FROM PARTICIPANTS

During the Q&A portion of the meeting, participants were invited to raise their hand to ask a question live on screen or submit questions via the chat function of the Zoom platform. Nearly all participants submitted their questions over the 30-minute period via chat with one participant asking a question live on screen. Questions from participants were addressed in the order they were received with care taken to address as many questions as possible in the time allowed from the widest variety of participants as possible. If a participant submitted multiple questions, their first question was addressed and the others were saved if time permitted to address them.

In addition to the questions posted during the live session, Aggregate Industries extended the offer for participants to submit additional questions by 5:00 p.m., Friday, June 5, 2020. There were no additional questions submitted by Friday, June 5.

All questions asked by participants during this meeting are answered in the "Tucson South Community FAQ" posted to the project website at www.tucsonsouthmineproject.com.

**TUCSON SOUTH
NOTICE OF NEIGHBORHOOD MEETING
May 18, 2018**

Date: Monday, June 1, 2020

Time: 6:00PM to 7:00 PM

Location: Join Zoom Meeting

<https://lafargeholcim.zoom.us/j/8837050510?pwd=c240K3FMYkVFRDd2ZThpbVI5MDFPQT09>

Meeting ID: 883 705 0510

Password: 667733

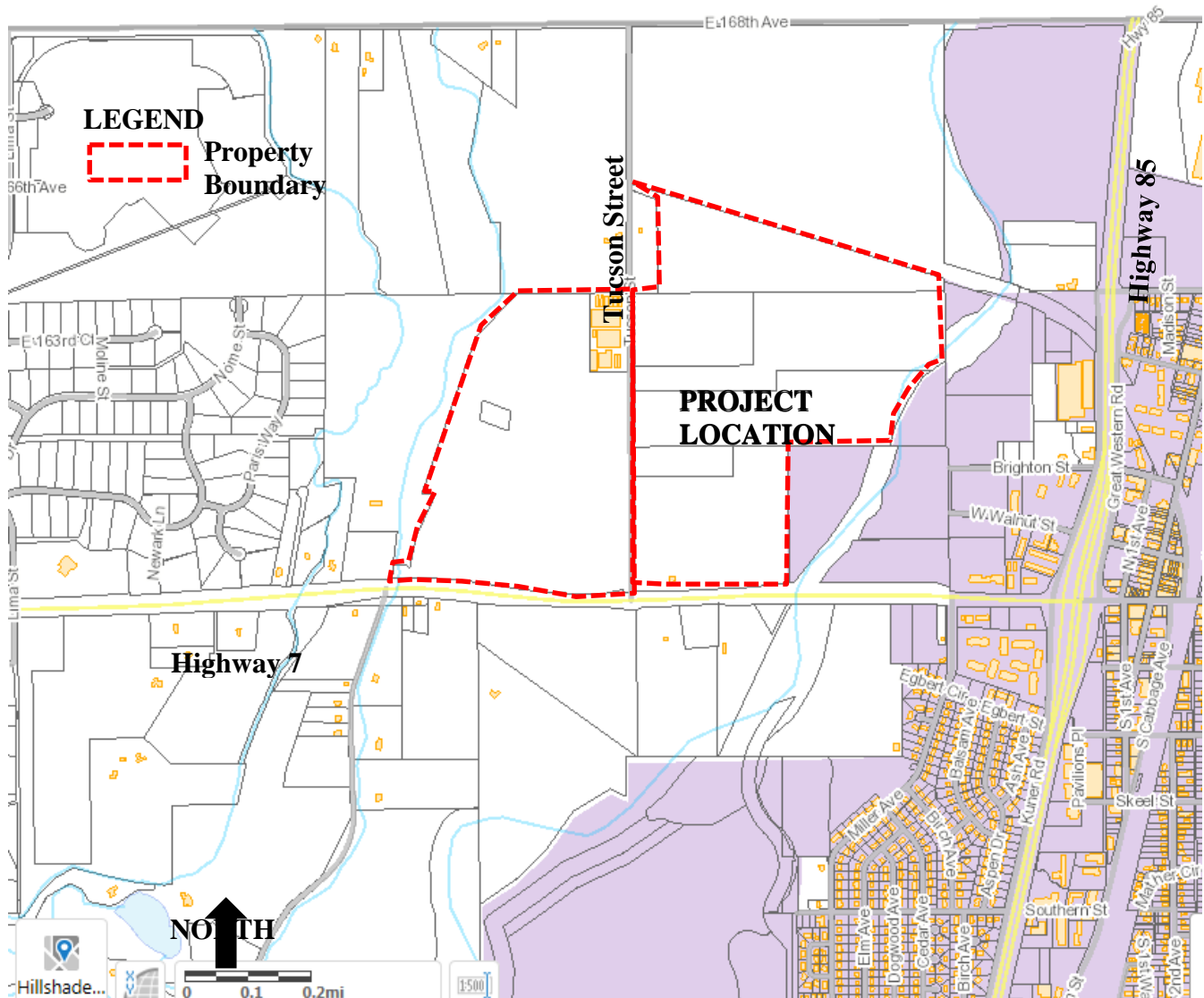
One tap mobile [+16465588656](tel:+16465588656)., [8837050510#](tel:+16465588656) US

Dial by your location +1 646 558 8656 US

Project Information: Project plans can be viewed by accessing the Dropbox link below:

<https://www.dropbox.com/sh/fp0hdqecqajbwbj/AACsJhLT1PLL0DbXC9XPabza?dl=0>

NOTICE is hereby given of a neighborhood meeting/open house for an application to Adams County for a Conditional Use Permit for Gravel Mining. The location of the site is illustrated below. Due to COVID-19 social distancing considerations, the open house will take place via Zoom on Monday, June 1st. The applicant will be presenting the plans for the project, gather comments and input from the surrounding community and answer questions. Please join us.



Yoshi and Suzu LLLP
PO Box 508
BRIGHTON CO 80601-0508

HIBE LLC
301 CENTENNIAL DRIVE
MILLIKEN CO 80543-3222

CRISTOFER MUHLER
11585 COUNTY ROAD 2
BRIGHTON CO 80603-9223

JAMES AND SARAH MUMFORD
11835 COUNTY ROAD 2
BRIGHTON CO 80603-9223

LOT HOLDING INVESTMENTS LLC
301 CENTENNIAL DRIVE
MILLIKEN, CO 80543-3222

KARL POLITZKI
11915 COUNTY ROAD 2
BRIGHTON CO 80603-9223

WELD COUNTY PUBLIC WORKS
DEPARTMENT
1111 H STREET
GREELEY, CO 80631

209 KUNER LLC
209 N KUNER RD
BRIGHTON CO 80601-2822

BARRON ROSE E
51 MILLER AVE
BRIGHTON CO 80601-2887

ADAMS COUNTY
4430 SOUTH ADAMS COUNTY PKWY
BRIGHTON CO 80601-8204

BAUER ERIN F AND
BAUER ERIC F
16340 PARIS WAY
BRIGHTON CO 80602-8298

ADDISON JOHN AND ADDISON ANITA
PO BOX 154
BRIGHTON CO 80601

BLACK JOSEPH D AND
BLACK JENNIFER
16050 OAKLAND CT
BRIGHTON CO 80602-8296

ADDISON JOHN AND ADDISON ANITA
12330 E 160TH AVE
BRIGHTON CO 80602-8223

BLOOM JACK D AND
BLOOM KATHLEEN L
12500 E 160TH AVENUE
BRIGHTON CO 80602

ADDISON LINDA GERALDINE AND
ADDISON RONALD EDWARD
107 6TH STREET/PO BOX 562
DACONO CO 80514

BRIGHTON INDUSTRIAL PARK LLC
12501 RIVERDALE RD
BRIGHTON CO 80602-8161

AGGREGATE INDUSTRIES WCR INC
1687 COLE BLVD STE 300
GOLDEN CO 80401-3318

BROADVIEW LLC
13200 E 160TH AVE
BRIGHTON CO 80602-8224

AGGREGATE INDUSTRIES-WCR INC
1687 COLE BLVD STE 300
GOLDEN CO 80401-3318

BROOKS GREASE MANAGEMENT LLC
3104 N ERIE AVE
TULSA OK 74115-1900

ARMIJO LOUIS J
11830 E 160TH AVE
BRIGHTON CO 80602

CITY OF AURORA
15151 E ALAMEDA PARKWAY 5TH FLOOR
AURORA CO 80012

BAJOREK JACK D AND
BAJOREK TERESA L
16320 PARIS WAY
BRIGHTON CO 80602-8298

CITY OF AURORA
15151 E ALAMEDA PKWY
AURORA CO 80012-1555

BAKER DELORES R 1/3 INT AND
BAKER BRET A/APRIL K 2/3 INT
12420 E 160TH AVE
BRIGHTON CO 80602-8221

CITY OF AURORA THE
15151 E ALAMEDA PKWY
AURORA CO 80012-1555

CITY OF BRIGHTON
500 S 4TH AVE
BRIGHTON CO 80601-3165

GONZALES CHARLES AND
GONZALES LISA
16021 OAKLAND CT
BRIGHTON CO 80602-8296

CITY OF THORNTON
9500 CIVIC DR
THORNTON CO 80229-4326

GONZALEZ GALINDO L
13182 GRAPE CT
THORNTON CO 80241-2317

COLORADO STATE HIGHWAY
2000 S HOLLY ST
DENVER CO 80222-4818

GREAVES PAUL W
13200 E 160TH AVE
BRIGHTON CO 80601

COLORADO STATE HIGHWAY
NEED ADDRESS

HART DARRELL LAVERN
15864 RIVERDALE ROAD
BRIGHTON CO 80602

D Z AND J LLC
401 N KUNER RD
BRIGHTON CO 80601-2841

HART RONALD J
15840 RIVERDALE RD
BRIGHTON CO 80601

DE LA CRUZ BRECEDA FERNANDO ARMANDO
16400 TUCSON ST
BRIGHTON CO 80601-8302

HARTIGAN PROPERTIES LLC
2021 KENTMERE DR
LONGMONT CO 80504-2324

DELUZIO BRIAN J
16030 OAKLAND CT
BRIGHTON CO 80602-8296

HOOD BESSIE B 98% INT AND
HOOD JAMES ALAN 2% INT
12502 E 168TH AVE
BRIGHTON CO 80602-6660

DOBBINS CHRISTOPHER L AND
DOBBINS JILLIAN S
15851 RIVERDALE RD
BRIGHTON CO 80602-8216

INDEPENDENT HOLDING LLC
189 N KUNER RD
BRIGHTON CO 80601-2883

GARRETT RONALD L AND LINDA L
475 W EGBERT CIR
BRIGHTON CO 80601-2930

INGRAM MICHAEL AND
MCRAE-INGRAM JULIANE
16184 PARIS WAY
BRIGHTON CO 80602-8297

GLIDEWELL BRADLEY G AND
GLIDEWELL CRISTINA
11981 E 160TH AVENUE
BRIGHTON CO 80602

J AND J FAMILY TRUST THE
6455 E 167TH AVE
BRIGHTON CO 80602-6066

KELLEY RODNEY D
15891 RIVERDALE RD
BRIGHTON CO 80602-8216

MEDLIN WAYNE E AND
MEDLIN PATRICIA L
15655 RIVERDALE RD
BRIGHTON CO 80602-8216

KING HUGH J AND
KING PAULA J
251 MILLER AVE
BRIGHTON CO 80601-2938

MEDLIN WAYNE E AND PATRICIA L
15655 RIVERDALE ROAD
BRIGHTON CO 80601

KUSEK JEWEL AND
KUSEK EDWARD ALAN
16164 PARIS WAY
BRIGHTON CO 80602-8297

MUHLER WAYNE C AND
MUHLER KAREN A
185 E PIPER DRIVE
ERIE CO 80516

LLOYD BRUCE MICHL
12202 E 168TH AVE
BRIGHTON CO 80602-6661

NESS CHRISTOPHER
15861 RIVERDALE RD
BRIGHTON CO 80602-8216

LOCKETT KEVIN LEE
12302 E 168TH AVE
BRIGHTON CO 80602-6627

PROCHOWNIK LORRAINE H AND
PROCHOWNIK MICHAEL R
106 MELODY LANE
PLATTEVILLE CO 80651

MACIAS HELEN R AND
MACIAS ROBERT A
16080 OAKLAND CT
BRIGHTON CO 80602-8296

RANDALL ELIZABETH M
16001 RIVERDALE RD
BRIGHTON CO 80602-8304

MAHNKE GARY AND
MAHNKE JUDITH M
5855 W 56TH AVE
ARVADA CO 80002-2810

RICHFIELD HOMES LLC
428 KIMBARK ST
LONGMONT CO 80501-5526

MALAYA RE LLC
303 S BROADWAY STE 200-502
DENVER CO 80209-1558

RIOJAS GIOVANNI
474 W EGBERT CIR
BRIGHTON CO 80601-2930

MANGUS GERALD H AND
MANGUS RAMONA R
16144 PARIS WAY
BRIGHTON CO 80602-8297

RIVERSIDE VILLAGE OWNERS ASSOCIATION
7501 VILLAGE SQUARE DR STE 205
CASTLE PINES CO 80108-3700

MC CRORY LAND AND CATTLE LLC
16155 HIGHWAY 7
BRIGHTON CO 80602-7648

ROBBINS DAVID C AND DENISE M
455 W EGBERT CIR
BRIGHTON CO 80601

SAN MARTIN CABALLERO LLC
13110 E 160TH AVE
BRIGHTON CO 80601-8209

SANCHEZ CELESTE MAE AND
SANCHEZ ANDREW ROMAN
12101 E 160TH AVE
BRIGHTON CO 80602

TMP VENTURES LLC
5120 OSAGE ST STE 100
DENVER CO 80221-7825

TODD CREEK VILLAGE METROPOLITAN
DISTRICT
10450 E 159TH CT
BRIGHTON CO 80602-7977

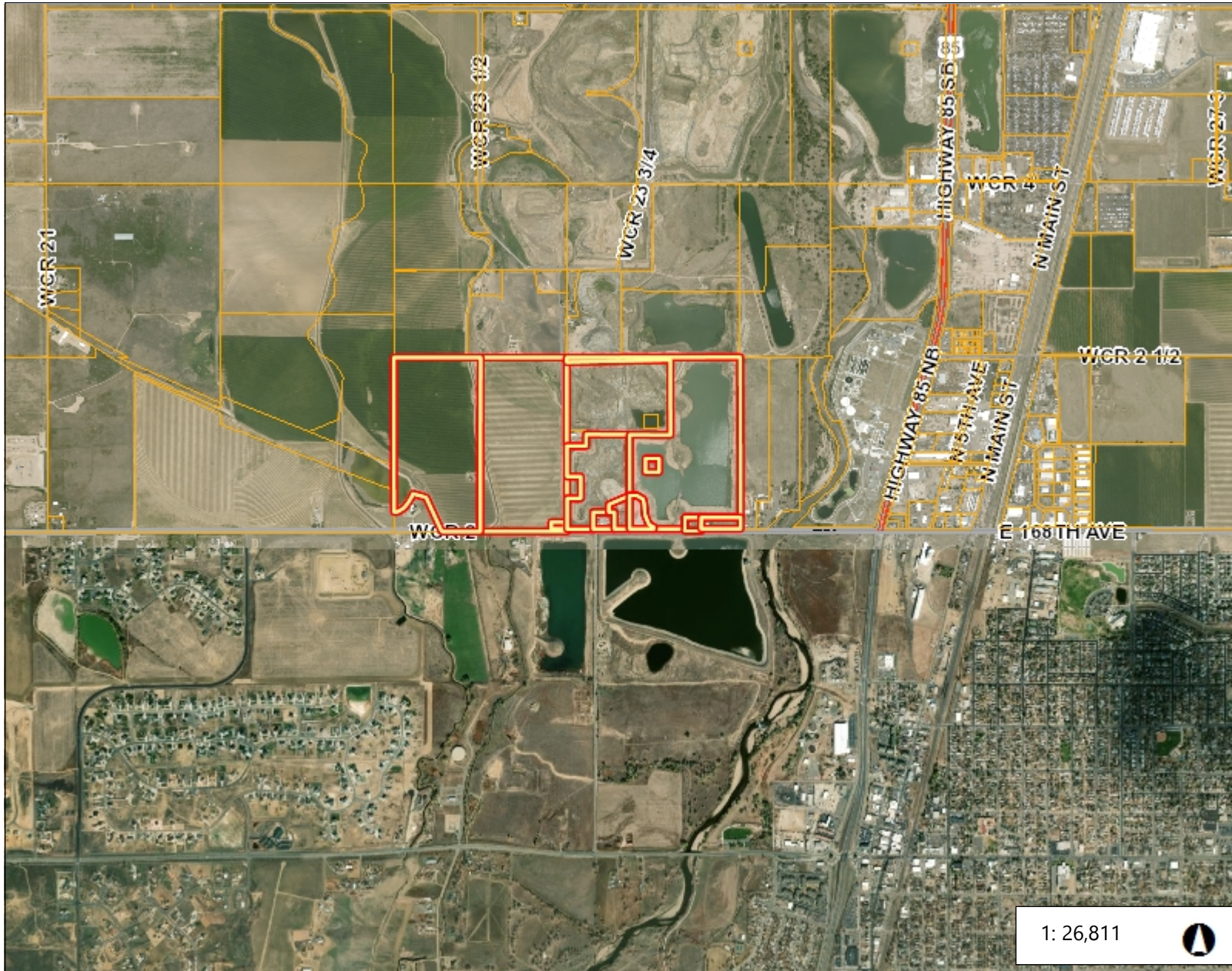
UNITED POWER INC
PO BOX 929
BRIGHTON CO 80602

VOHL MATTHEW AND
DENTON MICHELLE
16274 PARIS WAY
BRIGHTON CO 80602-8299






WILLIAMS SUSAN
25040 N 44TH AVE
PHOENIX AZ 85083-2433

WILSON CARL M
16300 PARIS WAY
BRIGHTON CO 80602-8298

WOOD JERRY D
11880 E 160TH AVE
BRIGHTON CO 80602-7437



Legend

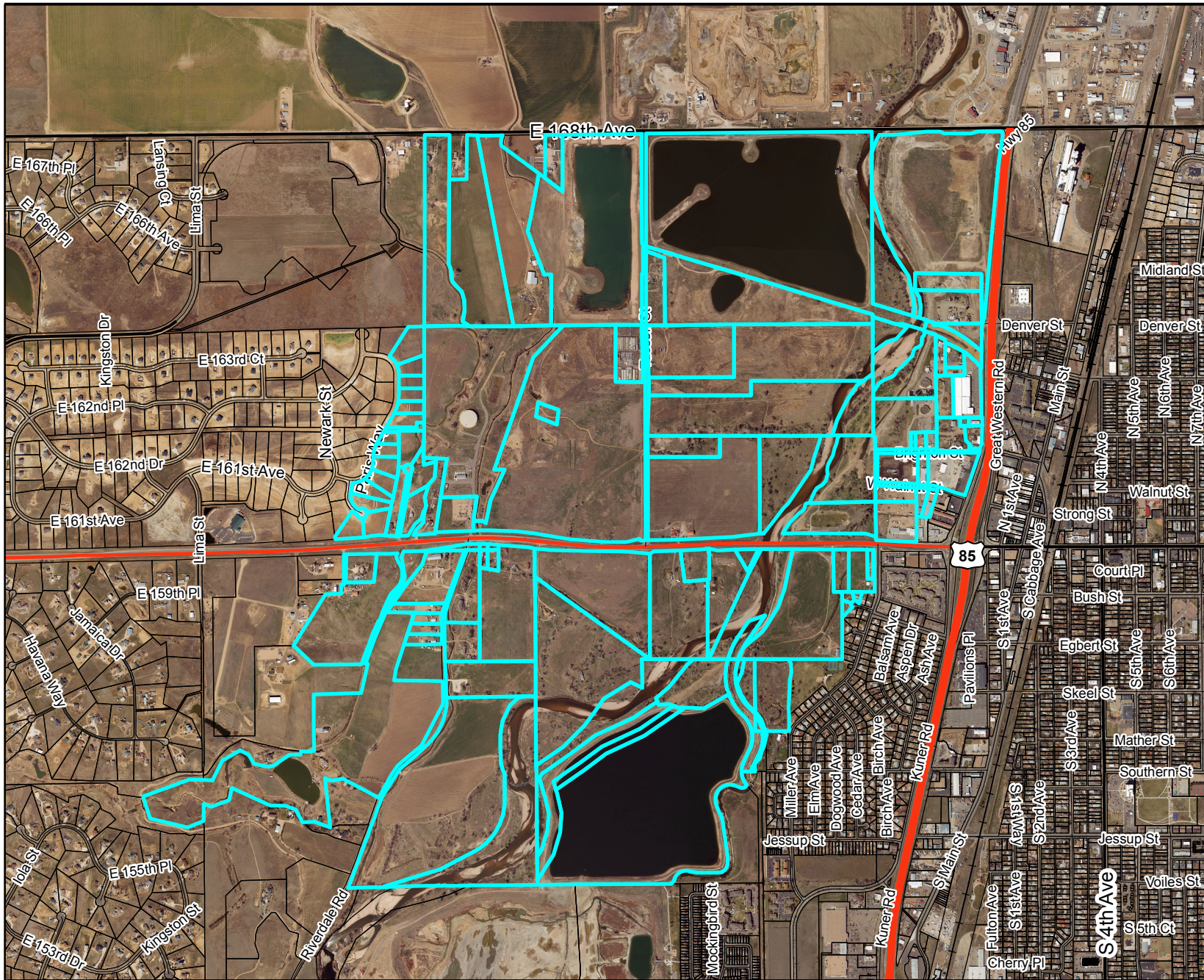
-  Parcels
-  Highway
-  Road
-  Highway
-  County Boundary

1: 26,811



4,468.5 0 2,234.23 4,468.5 Feet

Notes



Legend

- +— Railroad
- Major Water
- Zoning Line
- Sections

Zoning Districts

- A-1
- A-2
- A-3
- R-E
- R-1-A
- R-1-C
- R-2
- R-3
- R-4
- M-H
- C-0
- C-1
- C-2
- C-3
- C-4
- C-5
- I-1
- I-2
- I-3
- CO
- PL
- AV
- DIA
- P-U-D
- P-U-D(P)

PRE2018-00038

Quarter-Mile Buffer Map



For display purposes only.



ADAMS COUNTY
COLORADO

This map is made possible by the Adams County GIS group, which assumes no responsibility for its accuracy

18:16:45 From Chris Stinson : is there sound/noise with the conveyor solution? What times will it operate?

18:19:59 From Galaxy S10+ : where will the "streaming" dust monitors be located

18:20:57 From Galaxy S10+ : if the demand for aggregate slows down will the 8 year plan be extended

18:21:50 From john's iPad : this was voted down already.

18:22:08 From john's iPad : why are we here again

18:23:26 From Galaxy S10+ : what about our homes on top of the hill that face the mining operation will we be able to see mining operations

18:24:23 From Galaxy S10+ : WE DON'T WANT YOU HERE PERIOD!!!!

18:24:28 From john's iPad : if you listened to the community we don't want this

18:24:52 From Galaxy S10+ : i agree with John

18:24:55 From Mark and Sherie : Adams County's own statute requires the prison fencing for safety!

18:25:58 From Forrest : couldn't agg industries provide the facilities for public use after the mining is done.

18:26:10 From Vicki Knecht : Please clarify in depth the reason the City of Aurora is involved in the project? And I know Aurora is spit between two counties, Adams and Arapaho.

18:26:40 From Galaxy S10+ : aurora allows activities on their reservoirs within their city limits so why not here https://www.auroragov.org/things_to_do/reservoirs/aurora_reservoir/swimming

18:26:56 From Forrest : City of Aurora will own the water and land if they finish the mining

18:27:07 From Galaxy S10+ : yay forest

18:27:11 From Mark and Sherie : They gave up the south parcel last year because it was too expensive to mine with a conveyor.

18:27:20 From john's iPad : what are they donating then?

18:27:54 From Greg Barnes : Mark & Sherie, that is not correct. The actual regulations state: "Fencing: An eight (8) foot solid screen fence or security fence, with additional screening material"

18:28:40 From Forrest : what method was used to notify participants tonight? I found out about it via a facebook post

18:28:40 From maryj : Why Did we only find out about this meeting at the last minute. If you wanted the neighbors input why did we not know about this meeting.

18:28:49 From Vicki Knecht : Second question I have is will the project requester work with Weld County, Colorado Front Range trails to establish the Colorado Front Range Trail system along the South Platte through Weld County as far as possible and pay for part of it

18:29:48 From maryj : maryjaneolsavsky@gmail.com

18:30:02 From B Lloyd : the state mining permit been amended to exclude the south parcel? Last year the state permit included it and the submission to the county did not

18:30:33 From Mark and Sherie : Where will the conveyor run in Weld County?

18:30:33 From Vicki Knecht : keep me informed. My name is Christy Dowling and email it necahs1@live.com. Thanks Christy

18:30:53 From amandagriffin : And what about the previous project you guys defaulted on and were sued for \$5M because you defaulted and never fulfilled your commitment on the finish work?

18:30:55 From Forrest : have you performed an economic impact analysis to the immediate community for this project? It is my understanding that ADCO will receive royalties from the aggregate removed. How much will ADCO get?

18:32:07 From B Lloyd : Tuscon North mine was shut down for years because of "economic " conditions. What assures this will be done in 8 years. If not what are the consequences?

18:32:43 From wmuhler : I live adjacent to the project and never got the notice in the mail. Why? Because I held you accountable for the north pit?

18:33:36 From maryj : But why did we not know about this meeting?

18:33:42 From Hood : without real teeth in this agreement, I have no faith that Lafarge will do anything that they promise.. When the Tucson pit killed a large grove of trees- they took no responsibility on told me to sue them. why would this venture be any different.

18:34:01 From maryj : But why did we not know about this meeting I live nearby?

18:35:37 From Greg Barnes : In the previous application the conveyors were proposed, however Lafarge was unable to get CDOT and Adams County Public Works to approve the conveyors based on safety reasons.

What makes this proposal for conveyors different? And has there been any communication with CDOT and Adams County Public Works to ensure this is viable before it was presented to the public?

18:35:42 From Galaxy S10+ : we heard initially that it was going to be conveyors only and then you changed to trucks then to truck while the conveyor is being built and now were back to conveyor only. hiw can we truly trust what you're saying

18:35:48 From B Lloyd : Hood- I agree with you!

18:35:58 From wmuher : Wayne Muhler Can you show even one check to Adams county for required maintenance on the roads around the north pit as was required?

18:36:17 From Mark and Sherie : I talked to some homeowners on 23 1/2 road recently and they had NO IDEA what was going on last year or that they could have had 400 trucks a day past their homes.

18:37:12 From Forrest : to the west....our homes are higher

18:37:12 From amandagriffin : How can you say you have improved communications when it appears that everyone only just found out about this meeting at the very last minute?

18:37:36 From maryj : How can you have a neighborhood meeting when no one knows...I again ask this question because I want a real answer....

18:37:59 From Galaxy S10+ : i was talking about todd creek, the biggest hill

18:38:16 From idebbie : your conveyor is going to be 30 ft from my front door, how can I be assured that I won't hear it? or see it? or deal with the dust?

18:38:50 From iPhone : Where exactly is the conveyer slated to run going north?

18:39:56 From Galaxy S10+ : is there any possibility of yiu just cutting your losses and selling the land

18:41:19 From Forrest : is the city of aurora agreement available via a Freedom of Information Act request?

18:41:23 From john's iPad : will the water trucks come on to hwy7

18:44:51 From Mark and Sherie : I believe Aurora can still use this as an ARR, (water filtration system) which instead of mining the sand and gravel would stay there but they can filter water. Prairie Waters is their program - look it up.

18:45:19 From Forrest : will you provide the notification list on your website?

18:46:37 From john's iPad : will there be ANY trucks entering onto HWY 7

18:46:42 From Galaxy S10+ : what about insect control for standing pools of water

18:46:51 From Mark and Sherie : This has a huge impact on the City of Brighton - it affects more than just neighbors and there is no way you can block the view of it from Hwy 7. Especially after COVID Downtown Brighton does not need this!

18:49:57 From john's iPad : you missed the question above it

18:53:13 From Mark and Sherie : Talk to the neighbors - they will tell you from experience what Aggregate's history is! Not good!

18:54:18 From Forrest : regarding the economic impact question. Am i understanding Agg Industries will offer no contributions to mine this material?

18:55:01 From amandagriffin : Why did you skip my question regarding the previous unfinished project and lawsuit?

18:55:41 From Mark and Sherie : But these are above ground conveyors and dust can blow from them.

18:57:51 From Vicki Knecht : Colorado Front Range Trail is part of Colorado Parks and Wildlife started in 2003. Adams County Open Space and City of Brighton Parks have committed money and work to complete the trail through the general area where the mining wants to take place. I think you need to be aware of the existing trail systems. Have you contacted the local government about how your project may effect local trail systems. Further would you work with Weld County and local city governments from CO Front Range Trail ending on the Adams/Weld County line, which your business may be in the same vicinity?

19:00:05 From Mark and Sherie : What about the homeowner on Tuscon St. that you are planning on wrapping a conveyor around? Is it legal to put a conveyor that close to a house?

19:01:27 From Galaxy S10+ : as for the insect question it was during mining operation in other words your responsibility

19:02:13 From Mark and Sherie : How long will it take to build the conveyor?

19:02:30 From wmuher : You stated that you had a permit with both the state and Adams county many years ago. You did not perform ANY of the projects within the time required in those permits. Why should we trust anything you say? You made a point that the material will be wet. When will you slurry wall and dry the pit, and if the pit will be wet how do you assure you will not change my ground water?

19:02:48 From Mark and Sherie : Have any ground water studies been conducted?

19:02:50 From Forrest : do you have the website address?

19:02:54 From Hood : I am adjacent to the front range pit- thistle is spreading everywhere- I have to spray their side as well as mine. where is Aurora?

19:03:25 From john's iPad : yes.

19:03:44 From Mark and Sherie : Yes, the Aurora pit is UGLY!

19:03:45 From john's iPad : sorry I meant to send to everyone

Tucson South Resource Conditional Use Permit Application

Community FAQs

What we propose to do...

1. What exactly is Aggregate Industries (AI) proposing to do on this land?

Aggregate Industries proposes to extract sand and gravel and complete a reclamation at the Tucson South site over an eight-year time period. Upon completion of mining, the community will benefit from a water storage facility featuring a crusher fines trail with native landscaping and decorative fencing.

2. How long will it take to build the conveyor?

It will take approximately six (6) months to construct the belt conveyor and approximately two (2) months to remove it at project completion, which will be no more than eight (8) years.

3. Where exactly is the conveyor slated to run going north?

At this time, we are evaluating two potential conveyor routes on either the east or west side of Tucson Street. Both routes will terminate at our existing Platte Valley site with its closest boundary being approximately 1.5 miles north of the Tucson South site. The approved route will be determined based on technical feasibility, engineering, entitlement and neighbor input. The application will clearly identify all planned or potential routes and in no case will any mining commence ahead of conveyor belt installation. Both routes will entail an underground crossing beneath Tucson Street and 168th Street. The proposed routes will be posted on the project website when the application is submitted.

4. Where will the conveyor run in Weld County?

AI is evaluating two potential conveyor routes on either the East or West side of Tucson Street. The ultimate route will be determined based on technical feasibility, engineering, entitlement considerations and input from nearby neighbors. The application will clearly identify the preferred route, plus one alternative route. We expect that it will take approximately six (6) months after permit approval to install the conveyor, and in no case will any mining commence ahead of conveyor belt installation. The route will include underground crossings below Tucson Street and 168th Street.

5. When will the site be operational? When will the conveyor be running?

The conveyor belt is proposed to operate Monday through Saturday from 7am-7pm. This operational period was determined to allow mining completion and site reclamation within the proposed the eight (8) year timeframe.

6. If the demand for aggregate slows down, will the eight-year plan be extended?

AI has carefully evaluated market demand, even in consideration of Covid-19, and we are confident that resource extraction and reclamation can be completed within this eight-year timeline. Regardless of market conditions, we will meet this commitment, even if it means leaving valuable resources in place.

Community Concerns

7. Using this land has been a significant sore subject in our community. Past permitting application/request was denied due to community concerns. Why are we reconsidering?

The Tucson South Resource site has a valuable and protected source of sand and gravel that is critical to infrastructure projects throughout Denver Metro. Aggregate Industries is confident that the new permit application has been revised based on previous feedback to mitigate the effects on the community to the fullest extent possible, including the elimination of an onsite processing plant, traffic, screening berms and plantings, as well as state of the art environmental controls and monitoring.

We understand some members of the community have concerns about this project. We have worked hard to carefully revise the plan to balance the community need for road and building infrastructure materials, while minimizing potential concerns in accordance with the County's standards. Transporting building materials from outside of the Front Range increases building costs by 30 percent and also increases road wear, which would be caused by material transported from more remote sites.

8. This project also affects the City of Brighton. There is no way you can block the view of it from Hwy 7. Especially after COVID, I'm concerned that this will hurt Downtown Brighton.

We understand that there are some residents who have expressed concerns about the proposed permit. We have worked hard to develop a proposal that minimizes the effect on the community, and in fact, adds to the community with the donation of the south parcel. We also believe that high quality, low cost construction material will be vital for the post Covid-19 economic recovery by creating jobs, facilitating infrastructure development, and tax revenues.

The living screening and berms will be used to buffer views into the site from Highway 7, including the few pieces of on-site equipment that will operate below the road grade and therefore not visible. Additionally, the site is not visible from downtown Brighton.

3D renderings showing several vantage points will be available on our website in the "What Will the Site Look Like" section. This will give you an idea of the view from various locations, including on top of the hill looking east on Highway 7.

9. What is the possibility that AI will decide to sell the land instead?

The Tucson South Resource site has a valuable and protected source of sand and gravel that is vital to infrastructure projects throughout Denver Metro. Aggregate Industries has carefully evaluated the timeline, as well as contingencies that could include a downturn in production demand, and developed a revised application that minimizes the project's effects on the community without losing these important sand and gravel reserves.

10. Does the conveyor system cause noise that could be heard in the community?

The conveyor system does make sound when operating, at well below Adams County noise standard levels. When standing close to a belt conveyor, audible sound would be approximately 70% of the Adams County allowable levels, which will decrease with distance from the conveyor. Aggregate Industries operates similar conveyor systems across the Denver Metro area and will be offering field trips so that any interested party can see and hear for themselves. Please check our website for the date, time and details, which of course also include Covid-19 appropriate safeguards. We will also post a video to the website in the near future for those who cannot attend a field trip.

11. Where will the “streaming” dust monitors be located?

AI is committed to controlling emissions of fugitive dust in strict compliance with Colorado Department of Public Health and Environment regulations, and the real time dust monitors will allow us to prove it. The real-time dust monitors will be proposed at both the prevailing upwind and downwind boundaries of the site or as recommended by an air dispersion modeling analysis. The data collected from the real-time monitors will be shared with Adams County for comparison to the U.S. Environmental Protection Agency National Ambient Air Quality Standards.

12. I’ve heard that the conveyor is going to be 30 ft from my front door. How can I be assured that I won’t hear it? or see it? or have to deal with the dust?

While the final conveyor route is still undergoing engineering and entitlement review, AI does not anticipate the conveyor being within 30 feet from ANY residence. The overland conveyor is low-profile and when operational, will comply with Adams County noise requirements. Due to the damp condition of the materials being transported, along with other environmental controls such as covered transfer points and high efficiency water sprays, visible dust emissions will be minimal. AI is planning to offer visits to nearby sites so that you can see and hear a similar belt conveyor operating. We will also post a video of an operating conveyor to the website in the near future for those who cannot attend a field trip.

13. What about the homes to the west, they are higher than others?

While not a County requirement, as part of our application process, we have completed a viewpoint analysis from Todd Creek homes closest to the project. The proposed conveyor will be low-profile and will be painted tan so that it blends in with the natural environment. Berms and living screens are also proposed to shield views.

14. Have any ground water studies been conducted?

Yes, groundwater modeling was completed for the Colorado Division of Reclamation, Mining and Safety permit application.

15. How can you ensure that your operations will not change my ground water?

Aggregate Industries is required to conduct monthly groundwater monitoring throughout the entire mining process. If significant changes are noticed during routine monitoring, we will investigate the cause. The DRMS permit requires mitigation for the project’s potential effects on neighbors’ wells. The DRMS has also required pre-emptive mitigation for mounding that is expected to occur on the western and southern edge of the property. We have submitted conceptual plans for a drainage system that will maintain historic groundwater levels after the slurry wall is installed.

16. AI has stated that the material will be wet. When will your slurry wall go in to dry the pit?

The slurry wall construction will begin immediately upon approval and is expected to take approximately six (6) months. Even after completion, the sand and gravel materials will remain moist. The slurry wall simply isolates groundwater but will not dry the material in the pit. A water truck or sprinklers will be onsite at all times to ensure surfaces and faces are wet and dust free.

17. Can you please clarify why the City of Aurora is involved in the project?

Municipal water storage is essential in the arid west as it helps to provide for important water augmentation to protect against seasonal supply variations. It is a common practice to convert completed sand and gravel mines to water storage by installing bentonite (clay) slurry walls. For this site Aggregate Industries and Aurora executed a water storage contract under which Aurora will assume post mining operational control of this water storage resource.

18. Is the City of Aurora agreement available via a Freedom of Information Act request?

We believe Aurora can provide it under a Colorado Open Records Act request.

19. Is it true that AI “gave up” the south parcel last year because it was too costly to mine with a conveyor?

Actually, the decision to remove the south parcel from both the County and DRMS permit was made for a variety of reasons. There were certainly engineering challenges, costs and the project timeline that were key considerations. In addition to the value of the minerals, this parcel has value as a real estate asset and has a significant market value. However, instead of selling this parcel, we are pleased to donate this land for a use that will maximize its benefits to the community, as determined with input from local stakeholders. Some of the initial ideas include a nature trail or creation of upland meadow with pollinator garden, but we look forward to working with community leaders to find the best solution.

20. Has the state mining permit been amended to exclude the south parcel?

Yes, a permit amendment was submitted to DRMS to remove the South Parcel. The revised permit will be issued ahead of the Adams County permit and will exclude this parcel.

21. I have heard from other homeowners that there could be up to 400 trucks a day drive past their homes. Is this true?

While our original application anticipated using trucks to transport sand and gravel to the Platte Valley facility for processing, under the revised plan there will be no trucks hauling material going past any home because the sand and gravel from the mine will be totally transported via conveyor belts. Our goal is to share information with affected individuals/communities and to be transparent about the permit application and our planned operations including those outside Adams County, so please let us know if any of your friends or neighbors have questions about our revised application.

22. Will the water trucks come on to Hwy 7?

At this site we anticipate using a water tank to supply the on-site water trucks. Water for this tank will periodically be delivered to the site. As part of the City of Aurora’s Prairie Waters Project, an aquifer recharge and recovery (ARR) facility was developed at a different location. Aurora has indicated to Aggregate Industries that additional ARR is no longer needed so the site will be developed as a water storage facility.

23. Will there be ANY trucks entering onto HWY 7?

We have no plans to conduct haul-out or material sales at the project site, so there will be no Aggregate Industries material hauling trucks entering Highway 7 from the Tucson South mine.

24. Based on past experience with Lafarge, how can we be sure the commitments made in the permit will be honored? Why would this venture be any different?

While we can't comment on Lafarge decisions in the past, what we can comment on is our commitment to use this land as permitted and to abide by the agreements we make with Adams County.

25. Did AI pay Adams County for required maintenance on the roads around the north pit?

Yes, AI has honored all commitments around road maintenance agreements and did pay for road repairs in the amount requested by Adams County.

26. Will Aggregate Industries take care of controlling weeds around the property?

Aggregate Industries will conduct weed control as required by Adams County and the Division of Reclamation Mining and Safety at all times during mining and reclamation. The City of Aurora has been notified of the recent weed concerns and Aggregate Industries will continue to work with their Operations Division on the need for weed control.

27. What are your plans to work with Weld County, Colorado Front Range Trails to establish the Colorado Front Range Trail system along the South Platte through Weld County as far as possible? Will you pay for part of it?

[Colorado Front Range Trail is part of Colorado Parks and Wildlife started in 2003. Adams County Open Space and City of Brighton Parks have committed money and resources to complete the trail through the general area where the mining is intended to take place.]

Aggregate Industries has met with the City of Brighton Parks Department several times to discuss potential trails. We are also planning to meet with Adams County Open Space to discuss donation of the south parcel to the Open Space Department and gather ideas for the use of this parcel. One idea is to install natural trails through the property with informational signs about wildlife in the area. As part of the reclamation plan, AI will install a landscaped trail system along the north side of Highway 7 on both sides of Tucson Street.

This trail location was developed with input from the City of Brighton Parks Department. This is an important connector trail between the Todd Creek Subdivision and downtown Brighton. The Colorado Front Range Trail is planned for property located on the east side of the South Platte River, which is not part of this project nor is it owned by Aggregate Industries. We have and will continue to partner with stakeholders, including Adams County, Weld County and Brighton, to ensure synergy of these trails with the greater Colorado Range Trail system.

28. What are your plans for fencing since Adams County's own statute requires the fencing for safety?

As with all decisions affecting the county, AI will work with Adams County and Aurora to select and install a fence that is both aesthetically pleasing and meets code requirements.

29. What is Aggregate Industries donating then?

We are donating the AI-owned parcel south of Highway 7. This parcel of land has value apart from its sand and gravel resource. Though the parcel could be sold for other private development, we feel strongly that the best decision for this land would be to donate it to the community and to participate in its ultimate development into a community open space resource.

30. How will the reservoir be used? Aurora allows activities on their other reservoirs within city limits.

When we referred to the body of water as a reservoir previously, we need to be more precise. It is not a reservoir as the community understands it, but rather as water storage facility for the community. As a result, it will not be appropriate for recreational use.

31. What are your plans for insect control around standing pools of water?

Aggregate Industries will develop a vector control plan that addresses insect control and standing water.

Communications & Future Meetings

32. How were/are people notified for this Zoom meeting and for future ones? I found out about it via a Facebook post

Our goal is to share information with affected individuals/communities and to be transparent about the permit application and our planned operations. First, for those who missed this community meeting, please be assured that this will not be our last outreach to the community. We value everyone's input and look forward to hosting additional public meetings as we move through the application process.

Specific to the Zoom meeting on June 1, 2020, Adams County regulations require that a notification to all property owners within 500 feet of the project be mailed at least ten (10) days prior to the scheduled neighborhood meeting date. AI sent notices to all residents within approximately 1320 feet of the project as well as affected residents in Weld County, exceeding county requirements. The notices were mailed on May 20, 2020. Please feel to email us at tucsonsouthproject@gmail.com if you have questions, comments, or would like to be included in future virtual meetings.

33. Do you have a website about this project where I can get more information?

Absolutely. The website address for this project is www.tucsonsouthmineproject.com. As you'll see, we'll use this as a primary channel to provide updates on our progress as well as communicate future meetings.

34. Is there an email address I can use if I want to send in a question for more information or clarification?

Yes, please feel to email us at tucsonsouthproject@gmail.com if you have questions, comments or would like to be included in future virtual meetings.

July 10, 2020

FLOOD PLAIN USE PERMIT
Adams County Public Works, Construction Management
4430 S. Adams County Parkway, 1st Floor, Suite W2000B, Brighton, CO 80601
(720) 523-6821

Site Location: 13115 160 Brighton, CO 80601	FLOOD PLAIN USE PERMIT #: WET2019-00019
ISSUE DATE: _____	
Project Name: Aggregate Industries Sand and Gravel Mining at 13115 E. 160th Avenue	
Legal Description: _____	Section: _____
Owner: _____	Phone: _____
Applicant: JOEL BOLDUC AGGREGATE INDUSTRIES 1687 COLE BLVD SUITE 300 GOLDEN, CO 80401	Phone: 303-985-1070
Contractor: _____	Phone: _____
Architect: _____	Phone: _____
Technical Rep: JEFFREY BUTSON TETRA TECH 1900 SOUTH SUNSET STREET SUITE 1-E LONGMONT, CO 80501	Phone: 303-772-5282
Use of Building or Improvement: _____	
Type of Construction: Mining	
Description of Work: Aggregate Industries Sand and Gravel Mining at 13115 E. 160th Avenue	
Area of Flood Plain Delineation: South Platte River	
100 Year Flood Plain Elevation at this Site: _____	Building First Floor/Basement Elevation will be _____
Fill Material Type: _____	
Finish Fill Elevation: _____	Beginning Elevation: _____

Special Conditions

Permit Fee: 500.00 **Amt Paid: ~~0.00~~ 500.00** **Paid By:** _____

I hereby certify that I/We have read and examined this application and the same to be true and correct. All provisions of Laws and Regulations governing this type of work will be complied with whether specified herein or not. The granting of a Permit does not presume to give authority to violate or cancel the provisions of any State or Local Laws regulating construction or the performance of construction.

This Permit becomes NULL and VOID if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after the work is commenced.

Signature of the Contractor or Authorized Agent: _____

Date: _____

Signature of the Owner / Operator: _____

Date: _____

05-31-19

Approved By and Title: _____

Date: _____

Greg Labrie
Adams County Floodplain Administrator, Greg Labrie, P.E./C.F.M.

5/30/19



September 26, 2019

T. Greg Labrie, PE, CFM
Senior Engineer
Adams County
Development Engineering Services
4430 South Adams County Parkway
Brighton, Colorado 80601

RE: Tucson South Resource, No Rise Certification; Floodplain Use Permit WET2019-00019

Dear Mr. T. Greg Labrie:

Aggregate Industries proposes to develop the Tucson South Resource in unincorporated Adams County, Colorado. The project location is roughly centered on the intersection of State Highway 7 and Tucson Street. The South Platte River is located to the east of the project site. The Brighton Ditch is located to the west of the project site. The site is in portions of land in Sections 1 and 12 of Township 1 South, Range 67 West of the 6th P.M. The project is located on two effective FEMA Flood Insurance Rate Maps (FIRMs). The project is shown on panels 08001C326H and 08001C0327H with an effective publication date of March 5, 2007. A location map is presented in Figure 1.

Work planned within the floodplain and floodway of the South Platte River includes excavation of commercial aggregates below pre-project grades, including excavation and stockpiling of overburden, excavation, and transport of commercial aggregates; and reclamation of the mine in accordance with the mining permit. Temporary stockpiles of overburden and topsoil are planned to be stored within the floodplain fringe until use as reclamation slopes in the mined excavation or removed by truck. Stockpiles are planned to be set up in the floodplain fringe and are not located within the effective floodway. A hydraulic analysis of the temporary stockpile locations was presented in the *Floodplain Use Permit Application* (Tetra Tech, August 20, 2019). Since the stockpiles are located outside the effective floodway, no rise in floodway elevations is expected.

The final reclaimed condition of the mine is expected to be an excavation entirely below pre-project grades. The final reclaimed condition of the mine is documented in Adams County Conditional Use Permit case number EXG-2019-00001. Since the final reclaimed is entirely below grade, no change in the floodway water surface elevations is expected.

An Adams County Floodplain Use Permit was granted on May 31, 2019. The permit number is WET2019-00019.

Sincerely,

TETRA TECH


Jeffrey A. Butson, PE, CFM
Project Engineer



O:\Projects\Denver\23514\200-23514-18004\Docs\Reports\No Rise Certification\AI Tucson South No Rise Adams County.docx

To: Joel Bolduc, Aggregate Industries

cc:

From: Jeffrey A. Butson, P.E., CFM

Date: December 18, 2018

Subject: Tucson South Resource – On-Site Grading and Drainage

Aggregate Industries is submitting a Conditional Use Permit (CUP) application for the proposed Tucson South Resource, an aggregate mine located in unincorporated Adams County. Adams County requires the submittal and preparation of a report regarding on-site grading and drainage as a component of the CUP submittal. This memorandum is intended to demonstrate our interpretation of the requested data as it applies to this site.

This memorandum and supporting exhibits are intended to comply with a Level 1 – Storm Drainage Plan per Adams County regulations. Due to the minimal impacts of the proposed project, higher level studies should not be required. The intent of this memorandum is to demonstrate no adverse impacts to adjacent landowners due to any increase in runoff from development of the land.

Aggregate Industries proposes to excavate the mine to produce aggregates for sale. The proposed project is expected to occur in phases and is divided into three major cells*. The project location and phasing are presented in Figure 1.

Mining Activities

The project phasing delineates the major cells of the project and generally denote a change in operational practices such as hauling and conveying. Each major cell will be subdivided into operational cells, which will be the working areas where material is actively mined. Operational cells are approximately 30 acres in size. Initial activities will include the stripping of topsoil and overburden, which will be stockpiled in the locations shown on the CUP mining plans.

A reservoir perimeter access road, temporary haul roads, and a conveyor system will also be installed for mining operations. Due to the phased nature of the work, installation of roads and the conveyor are expected to take place periodically as operational needs dictate. The conveyor will be elevated above the ground on columns. The haul roads and conveyor columns are the only anticipated impervious cover on the site. Access roads and a conveyor system are proposed only for the East and West cells. The conveyor system will be temporary and removed at the end of mining.

Reclamation of each phase and cell is expected to begin after the conclusion of mining. The South cell will be reclaimed as an upland meadow, which is essentially a backfilling of the mined limits with overburden material or other inert fill*. The East and West cells will be reclaimed as water storage reservoirs. The mined high walls will be lined with a compacted soil slope.

Drainage Impacts of Mining Activities

Aggregate mining, including stripping and stockpiling, are expected to decrease the amount of runoff leaving the site. This is due to the creation of excavations, which will trap all rainfall that falls within the excavation. A trivial increase in runoff is expected from the construction of the reservoir access roads and the conveyor system. These increases will be offset from the reduction in runoff due to the excavation of the mines.

The South cell will not have a reservoir access road or conveyor system during or after mining. Since there will either be a mine excavation or undisturbed ground, the South Cell was excluded from runoff calculations*.

* As of 2020, the South cell is no longer part of the permit and will not be mined.

The East cell drains east towards the South Platte River. Runoff is generally not concentrated, except in the area where a previous owner constructed outflow ditches to the river. The West cell drains north towards an adjacent property owner.

To evaluate potential impacts, Rational Method calculations were conducted. The runoff calculations were performed in conjunction with the methods, coefficients, and calculations as noted in the *Urban Storm Drainage Criteria Manual*, published by the Urban Drainage and Flood Control District.

For the analysis, runoff was calculated for both the pre-project and post-project conditions. Pre-project conditions were calculated for the total mine phase area. The post-project conditions assumed a smaller area equal to pre-project area less total mine acreage.

The soil types for each of the phases are a combination of hydrologic soil group types A, C, and D. The total area of each per phase for the pre-project evaluations was determined using ArcGIS. For the post-project evaluation, the soil distribution percentages were adjusted proportionally to the post-project area.

The time of concentration was assumed to be the same for both the pre-project and post-project conditions so that a direct comparison could be made.

The impacts of the conveyor were neglected because the conveyor is elevated off the ground on columns with relatively minor impervious area. The imperviousness of the access road is approximately 40% according to the *Urban Storm Drainage Criteria Manual*. The imperviousness of the undeveloped conditions is approximately 2% according to the *Urban Storm Drainage Criteria Manual*.

The total area for the East Cell is approximately 139.4 acres. Up to 79.5 acres will be mined. The post-project condition runoff generating area is approximately 59.9 acres. The reservoir access road has a surface area of approximately 3.6 acres.

The total area for the West Cell is approximately 88.6 acres. Up to 69.2 acres will be mined. The post-project condition runoff generating area is approximately 19.4 acres. The reservoir access road has a surface area of approximately 3.1 acres.

A summary sheet showing the calculations parameters is attached. A table summarizing the calculations is presented below.

Table 1 – Summary of Peak Runoff by Phase

Basin	Pre-Project Runoff 100-Year Discharge (cfs)	Post-Project Runoff 100-Year Discharge (cfs)
East Cell	144.2	65.6
West Cell	120.1	29.5

Conclusions

As demonstrated with the calculations, the cumulative impact of mining operations is a net reduction in peak runoff from the site. This reduction is due to the impacts of creating basins which will capture runoff. Runoff that falls in the reservoirs will be released at a controlled rate in accordance with the operational guidelines of the reservoirs.

Tucson South Resource

Runoff Calculations

Basin	Basin Area (acres)					Basin Imperviousness					Runoff Coefficients, c				Ltotal (ft)	Tc (min)	Rainfall Intensity I (in/hr)				Basin Flows Q (cfs)			
	Area	Soil Type A	Soil Type B	Soil Type C	Soil Type D	Gravel Road (ac)	Roof/Tank (ac)	Pond (ac)	Undeveloped (ac)	I %	2 Yr	5 Yr	10 Yr	100 Yr			2 Yr	5 Yr	10 Yr	100 Yr	2 Yr	5 Yr	10 Yr	100 Yr
East Cell Pre-Project	139.4	98.9	0.0	36.1	4.4	0.00	0.00	0.00	139.4	2	0.007	0.019	0.048	0.232	2800	25.6	1.43	1.91	2.38	4.46	1.32	5.08	15.77	144.24
East Cell Post-Project	59.9	42.5	0.0	15.5	1.9	3.60	0.00	0.00	56.3	4	0.016	0.030	0.059	0.246	2800	25.6	1.43	1.91	2.38	4.46	1.33	3.40	8.34	65.57
West Cell Pre-Project	88.6	47.3	0.0	29.1	12.2	0.00	0.00	0.00	88.6	2	0.008	0.027	0.072	0.296	2600	24.4	1.46	1.96	2.44	4.57	0.98	4.70	15.57	120.06
West Cell Post-Project	19.4	10.4	0.0	6.4	2.7	3.10	0.00	0.00	16.3	8	0.039	0.065	0.110	0.333	2600	24.4	1.46	1.96	2.44	4.57	1.12	2.48	5.19	29.52

Site Imperviousness Table	
Asphalt	100
Roof/Tank	90
Gravel Road	40
Undeveloped	2

1-hour Point Rainfall Depth				
	2 Yr	5 Yr	10 Yr	100 Yr
P1	0.83	1.11	1.38	2.59

East Cell Pre-Project			2 yr	5 yr	10 yr	100 yr
% Impervious	2					
Soil Type A	98.90	71%	0.005	0.006	0.007	0.126
Soil Type B	0.00	0%	0.009	0.012	0.073	0.435
Soil Type C	36.10	26%	0.010	0.051	0.147	0.492
Soil Type D	4.40	3%	0.010	0.051	0.147	0.492
	139.40	100%				
Modified:			0.007	0.019	0.048	0.232

East Cell Post-Project			2 yr	5 yr	10 yr	100 yr
% Impervious	4					
Soil Type A	42.50	71%	0.013	0.014	0.016	0.141
Soil Type B	0.00	0%	0.020	0.026	0.089	0.445
Soil Type C	15.51	26%	0.022	0.068	0.162	0.500
Soil Type D	1.89	3%	0.022	0.068	0.162	0.500
	59.90	100%				
Modified:			0.016	0.030	0.059	0.246

West Cell Pre-Project			2 yr	5 yr	10 yr	100 yr
% Impervious	2					
Soil Type A	47.30	53%	0.005	0.006	0.007	0.126
Soil Type B	0.00	0%	0.009	0.012	0.073	0.435
Soil Type C	29.10	33%	0.010	0.051	0.147	0.492
Soil Type D	12.20	14%	0.010	0.051	0.147	0.492
	88.60	100%				
Modified:			0.008	0.027	0.072	0.296

West Cell Post-Project			2 yr	5 yr	10 yr	100 yr
% Impervious	8					
Soil Type A	10.36	53%	0.031	0.034	0.039	0.172
Soil Type B	0.00	0%	0.044	0.055	0.122	0.464
Soil Type C	6.37	33%	0.049	0.101	0.191	0.517
Soil Type D	2.67	14%	0.049	0.101	0.191	0.517
	19.40	100%				
Modified:			0.039	0.065	0.110	0.333

Notes:

1. Refer to Table 6-3 for Site Imperviousness.
2. Refer to Urban Drainage Criteria Manual Vol. 1 Table 6-4 for Runoff Coefficients, C

Equations:

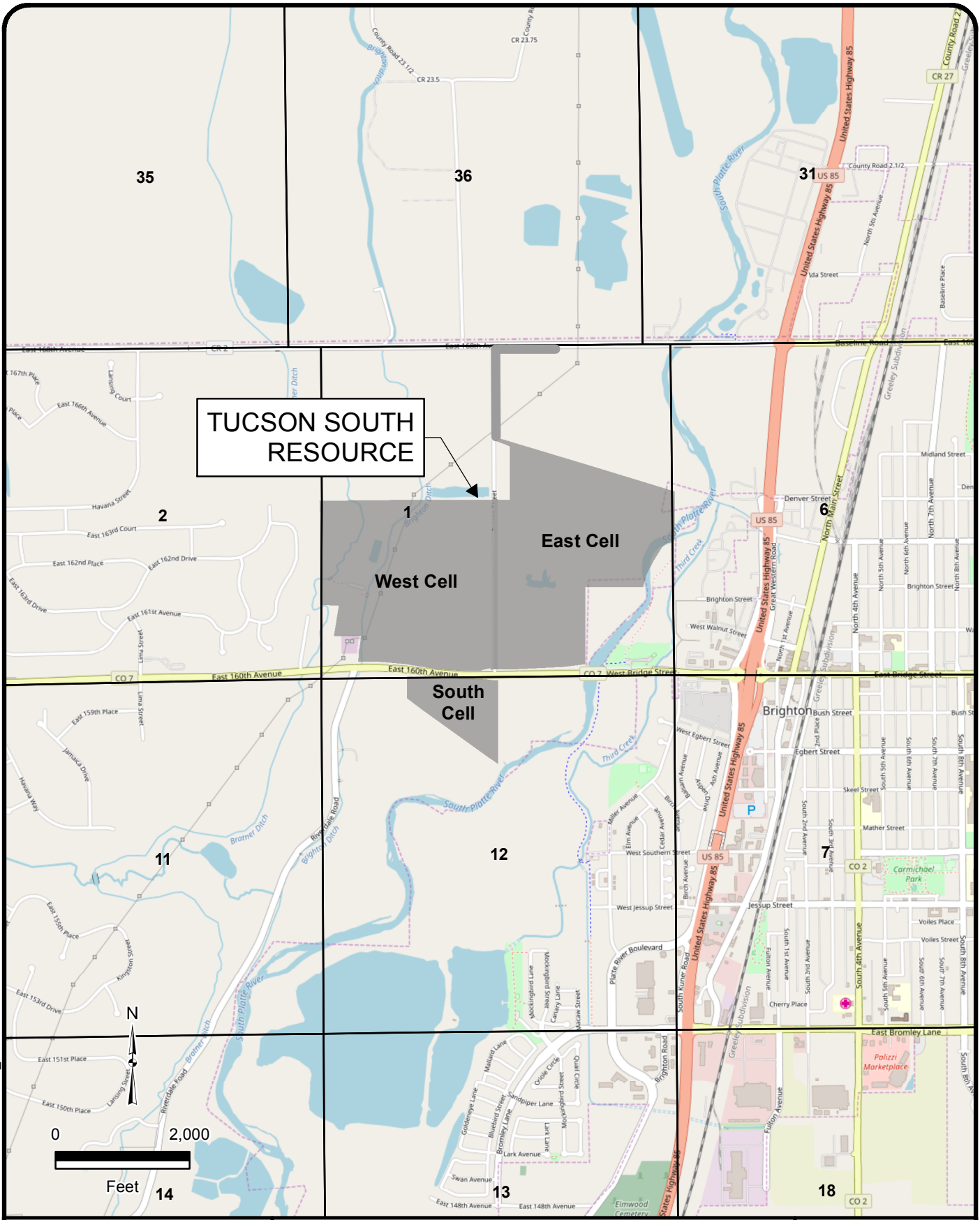
$T_c = L/180 + 10$

$I = (28.5 * P_1) / (10 + T_c)^{0.786}$
 P1 = 1-hr point rainfall depth
 Tc = time of concentration

$Q = C * I * A$

- C = Runoff Coefficient
- I = Rainfall Intensity
- A = Area

12/18/2018 - P:\23514\135-23514-17006\GIS\FIG1_VICINITYMAP.MXD - JEREMY.ANDRYAUSKAS



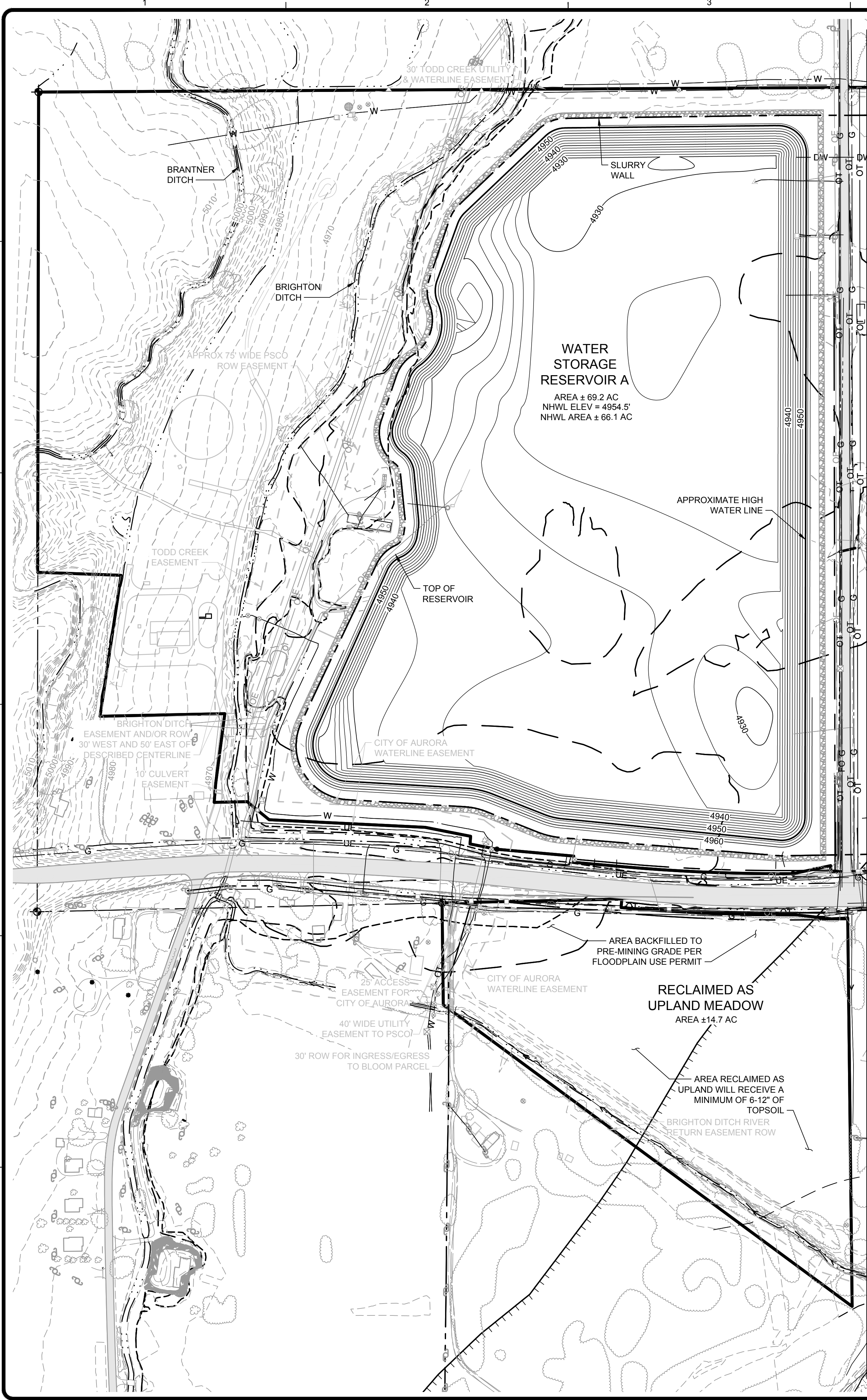
**TUCSON SOUTH
RESOURCE**

Tt TETRA TECH
www.tetrattech.com
1900 S. Sunset Street, Ste. 1-E
Longmont, Colorado 80501
PHONE: (303) 772-5282 FAX: (303) 772-7039

AGGREGATE INDUSTRIES
TUCSON SOUTH
RESOURCES
INDEX MAP

Project No.: 200-23514-18004
Date: DEC 18, 2018
Designed By: JJA
Figure
1

11/20/2018 3:13:10 PM - O:\PROJECTS\DENVER\23514\17005\CAD\SHEET\RECLAMATION DWG - ANDRYAUSKAS, JEREMY

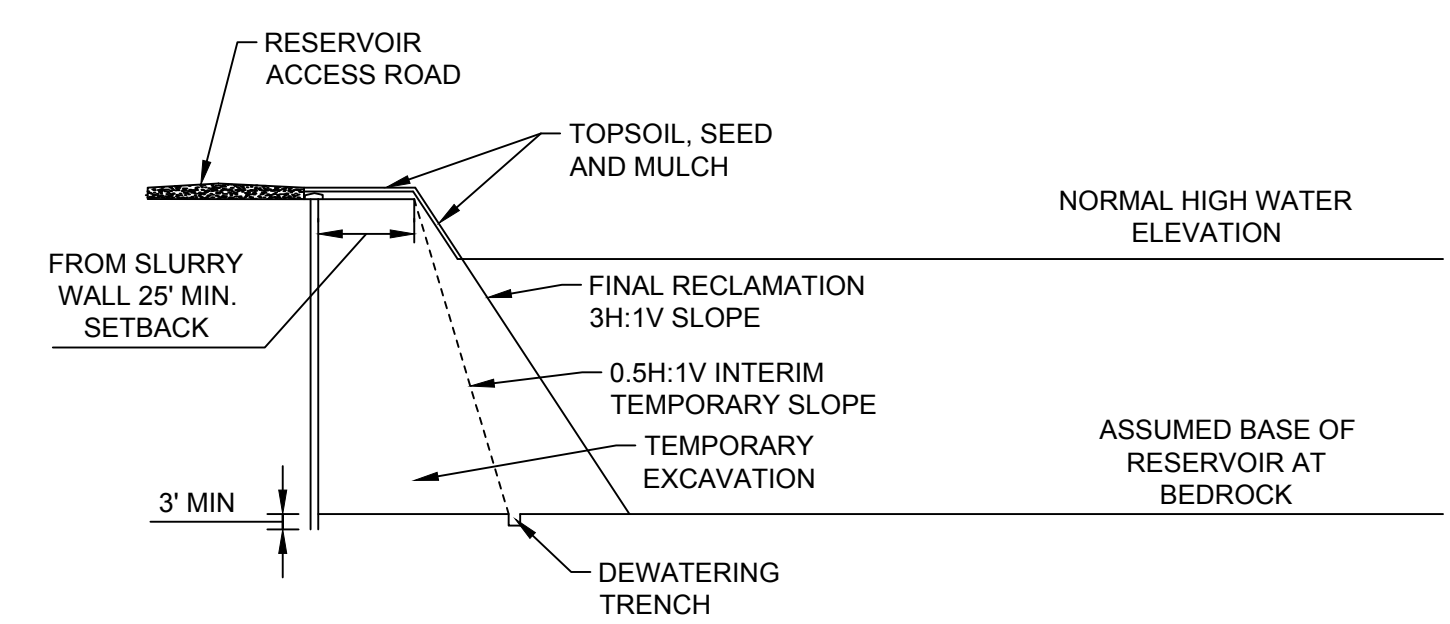


CERTIFICATION:
THIS MAP WAS PREPARED BY TETRA TECH IN COOPERATION WITH AGGREGATE INDUSTRIES-WCR, INC. AGGREGATE INDUSTRIES-WCR, INC. WILL KEEP THE DIVISION OF RECLAMATION, MINING, AND SAFETY INFORMED OF ANY CHANGES TO THE MINING OR RECLAMATION PLANS THROUGH ANNUAL REPORTS AND FILE TECHNICAL REVISIONS OR AMENDMENT APPLICATIONS AS NECESSARY THROUGHOUT THE LIFE OF THE MINE.
Thomas Hesemann
THOMAS HESEMANN 11/19/2018
DATE

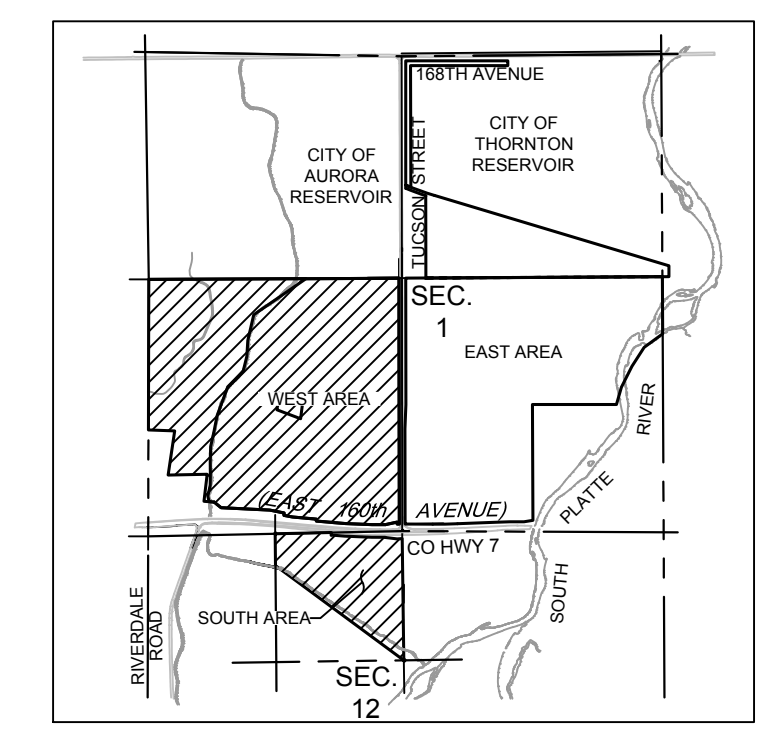
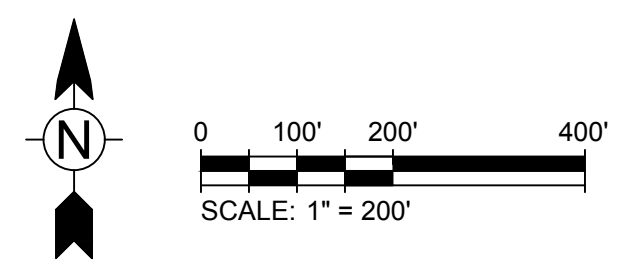
LEGEND:

[Symbol]	MINE PERMIT BOUNDARY
[Symbol]	TRACT BOUNDARY
[Symbol]	EASEMENT
[Symbol]	EFFECTIVE FLOODWAY
[Symbol]	EFFECTIVE ZONE AE
[Symbol]	EFFECTIVE ZONE X
[Symbol]	PRE-PROJECT/MINING CONDITIONS 100-YR FLOODPLAIN
[Symbol]	EXISTING WETLAND BOUNDARY
[Symbol]	EXISTING EDGE OF WATER
[Symbol]	EXISTING 2' CONTOURS
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING EDGE OF ROAD
[Symbol]	EXISTING ELECTRIC LINE
[Symbol]	EXISTING OVERHEAD ELECTRIC LINE
[Symbol]	EXISTING GAS LINE
[Symbol]	EXISTING WATER LINE
[Symbol]	EXISTING TELEPHONE LINE
[Symbol]	PROPOSED SLURRY WALL
[Symbol]	PROPOSED 2' CONTOURS
[Symbol]	RESERVOIR ACCESS ROAD
[Symbol]	EXISTING ASPHALT ROAD
[Symbol]	EXISTING SOUTH PLATTE RIVER
[Symbol]	UDFCD STABILIZATION
[Symbol]	NHWL NORMAL HIGH WATER LINE

MATCHLINE SEE SHT F-3



1 TYPICAL RESERVOIR CROSS-SECTION
NTS
NOTE: UNDERGROUND UTILITIES NOT SHOWN.



KEY MAP
NOT TO SCALE

TETRA TECH
www.tetra-tech.com
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Longmont, CO 80501
Phone: (303) 772-5282

MARK	DATE	DESCRIPTION

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH RESOURCE
EXHIBIT F
SOUTH AREA & WEST AREA RECLAMATION PLAN

Project No.: 200-23514-18004
Designed By:
Drawn By:
Checked By:

F-2
EXHIBIT

Copyright: Tetra Tech
Bar Measures 1 inch

To: Mark Miller and Christine Felz (LafargeHolcim/Aggregate Industries)
From: Anna Unruh and Hanna Warlick (Trinity Consultants)
Date: July 28, 2020
RE: Aggregate Industries Tucson South Pit Air Dispersion Modeling Analysis

Background

At the request of Aggregate Industries, Trinity Consultants, Inc. (Trinity) has performed air dispersion modeling for the proposed Tucson South Pit, to be located near Brighton, Adams County, Colorado. This memorandum summarizes the modeling methodology used for the analysis, as well as results from the air dispersion modeling assessment.

Although this dispersion modeling is not being conducted for regulatory purposes, the analysis is consistent with Colorado Department of Public Health and Environment (CDPHE) and EPA modeling guidance, and results are compared to the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) and particulate matter with an aerodynamic of 2.5 microns or less (PM_{2.5}).

Modeling Methodology

The proposed sand and gravel pit was modeled using EPA's AERMOD modeling. The EPA AERMOD program requires meteorological data preprocessed with the AERMET program. The CDPHE provided preprocessed meteorological data sets¹ using 2009 meteorological data from the Fort Saint Vrain surface meteorological tower² and the Denver upper air station for use in the AERMOD air dispersion modeling analysis. CDPHE has determined that the meteorological data provided is representative of the Tucson South Pit.³

In the air quality dispersion modeling analysis, the modeled ground-level concentrations were determined using Cartesian receptor grids. These grids cover a region extending at least 10 km beyond the proposed Tucson South Pit property boundary. Ambient air is defined by 40 CFR 50.1(e) as "that portion of the atmosphere, external to the source, to which the general public has access." NAAQS apply only in ambient air. Since access to the Tucson South Pit will be restricted by physical barriers such as fencing and berms, receptors within the property boundary (referred to herein as the "fenceline") have been excluded from the analysis. Note that receptors along Tucson Street, which runs through the property were included in the analysis.

The analysis includes Tucson South Pit sources and ambient background concentration. The CDPHE provided a background concentration determination on July 16, 2020 indicating that the data below should

¹ CDPHE provided meteorological data sets for the site June 15, 2020 (v19191).

² The Fort Saint Vrain surface station was determined to be the most representative data set for the Tucson South Pit. The surface station is a private tower located at Latitude/Longitude 40.254 N, 104.872 W.

³ Email correspondence from Mr. Emmett Malone (CDPHE) to Ms. Anna Unruh (Trinity) on June 15, 2020.

be used for the proposed facility for PM₁₀ and PM_{2.5} standards. To determine appropriate background concentrations, the CDPHE reviews the available data and selects the most representative monitor based on geographical closeness, available data years, and similar industrial activity levels. This approach is consistent with the process used when selecting a background concentration for new construction permits. The Brighton site monitor is geographically close to the Tucson South Pit; however, the available PM₁₀ data is older (2004-2006) and may not account for the current population or additional industrial sources in the area. CDPHE has not monitored PM_{2.5} in Brighton. The La Casa site monitor is located in central Denver near industrial sources, as well as the intersection of two major interstate highways (I-70 and I-25), and has recent available data. As the La Casa site data is more recent and more conservative, these background values were selected by the CDPHE to represent the contribution of all nearby facilities in the area.

AERMOD inputs are summarized in the table below.

Table 1. AERMOD Setup Input Parameters

Parameter	Value
Model Version	AERMOD 19191
Meteorological Data	FTSVRAIN-ADJU-09 (Fort Saint Vrain Generating Station, Platteville, CO, processed with the ADJ_U* option)
Receptor Grids	Fenceline grid: 25-m interval spacing along the fenceline and Tucson Street Tight grid: 50-m spaced receptors extending 500-m from the fenceline Fine grid: 100-m spaced receptors extending 1-km from the fenceline Medium grid: 250-m spaced receptors extending 3-km from the fenceline Coarse grid: 500-m spaced receptors extending 10-km from the fenceline
Terrain	NED
Buildings	N/A ^a
Background Concentrations	PM ₁₀ 24-Hour Second Maximum: 60 ug/m ³ (La Casa, 2016-2018) PM _{2.5} Annual Mean: 7 ug/m ³ (La Casa, 2016-2018) PM _{2.5} 24-Hour 98 th Percentile: 22 ug/m ³ (La Casa, 2016-2018)
Particle Depletion	N/A ^b

- a. Building wake effects (downwash) determines if a stack discharge might become caught in the turbulent wakes of nearby structures. Since there are no point sources at the proposed Tucson South Pit, a downwash analysis was not conducted.
- b. The PM₁₀ analysis can optionally include dry depletion, which refers to the to the dry deposition of particulate matter to the ground, resulting in removal of pollutant mass from the plume as the plume travels downwind from the source. Particle depletion was conservatively not included in the analysis.

On-Site Sources

All of the sources at the Tucson South Pit occur within the mining pit and are sources of fugitive particulate matter emissions. As such, they are represented by open pit sources within the AERMOD model. Open pit sources require the following source parameters: southwest corner location of source, elevation, release height, and pit volume. Open pit sources must be in the shape of a regular quadrilateral.

The fugitive particulate matter emissions associated with raw material extraction and wind erosion from the open pit are modeled using the open pit algorithm as defined by the AERMOD model. The release height was set to 2 meters and the volume is based on the anticipated dimensions of the pit and an average depth of 30 feet.

The Tucson South Pit operates between the hours of 7am and 7pm and thus all sources, except for the wind erosion sources, are modeled with an hour of day dependent variable emission factor. For those sources representing wind erosion emissions a wind speed dependent variable emission factor is used.





The Tucson South Pit property includes two pits (referred to as the east and west pits), which would not be mined simultaneously. Additionally, since Aggregate Industries uses concurrent reclamation, the entire pit area would not be actively mined at one time.

For the modeling analysis, multiple scenarios were reviewed including all active mining occurring in either the east or west pit. Additionally, due the requirement of the open pit source to be a regular quadrilateral, the east pit was modeled in both a north-south and east-west orientation. This memo covers the scenario with the highest modeled ambient air impacts – all active mining occurring in the east pit which is oriented east-west. Both pits and the fenceline are shown in Figure 1.

Figure 1. Source Layout



Legend

 Fence line	 Open Pit Source - Highest Modeled Impacts
 Pit Boundary	 Alternative Open Pit Source

Note: Due to the requirement of the open pit source to be a regular quadrilateral, the east pit was modeled in both a north-south and east-west orientation. This memo covers the scenario with the highest modeled ambient air impacts – all active mining occurring in the east pit which is oriented east-west. Although the footprint of the OPENPIT source is smaller than that of the pit boundary, modeled emissions account for wind erosion from the entire pit. The smaller OPENPIT source is conservative because it concentrates emissions from the entire pit, which results in concentrated impacts.

Table 2 below summarizes the model inputs for the open pit sources. The elevation is the base of the pit and the release height is the estimated release point for emissions above that elevation. The pit volume is based on the side lengths of the open pit source and a final pit depth of 30 feet. Wind erosion emission rates include PM₁₀/PM_{2.5} emissions from all disturbed areas. The active pit emission rates include PM₁₀/PM_{2.5} emissions from topsoil removal/stockpiling, overburden removal/stockpiling, raw material removal, on-site conveyor transfers, and raw material truck transport. The emission rates in Table 2 are the maximum expected emissions from these activities in the Tucson South Pit.

Table 2. On-Site Source Emission Rates

Source	PM ₁₀ Emission Rate (g/s m ²)	PM _{2.5} Emission Rate (g/s m ²)
West Pit (Mining Activity) ^a	0.000E+00	0.000E+00
West Pit (Wind Erosion) ^b	1.900E-07	2.878E-08
East Pit (Mining Activity) ^a	7.257E-06	8.289E-07
East Pit (Wind Erosion) ^b	1.900E-07	2.878E-08

- a. The highest modeled ambient air impacts occurred where all active mining occurring in the east pit. Therefore, the west pit has no emissions from topsoil removal/stockpiling, overburden removal/stockpiling, raw material removal, on-site conveyor transfers, and raw material truck transport in the worst-case scenario represented in this memorandum. The east pit emission rates are the maximum estimated emissions based on expected mining operations.
- b. Wind erosion occurs from all disturbed areas. The emission rates were determined based on the maximum disturbed area acreage and allocated by the area of each pit.

Summary of Preliminary Modeling Results

The cumulative analysis compares impacts from all PM₁₀- and PM_{2.5}-emitting sources at the facility, inclusive of an ambient background concentration, to the NAAQS.

Table 3 shows the results of the NAAQS analysis for PM₁₀ and PM_{2.5}.

Table 3. Cumulative Modeling Analysis Results

Pollutant	Avg Period	Met Year ^a	Form of Std.	GLCmax (µg/m ³)	Background Concentration ^b (µg/m ³)	Total Impact (µg/m ³)	NAAQS (µg/m ³)	% of NAAQS	Total Impact > NAAQS?
PM _{2.5}	24-HR	2009	H8H	6.52	22	28.52	35	81.5%	No
PM _{2.5}	Annual	2009	N/A	1.81	7.0	8.81	12	73.4%	No
PM ₁₀	24-HR	2009	H6H	59.96	60	119.96	150	80.0%	No

- a. The CDPHE provided preprocessed meteorological data sets on June 15, 2020 (v19191) using 2009 meteorological data from the Fort Saint Vrain surface meteorological tower and the Denver upper air station for use in the AERMOD air dispersion modeling analysis. CDPHE has determined that the meteorological data provided is representative of the Tucson South Pit.
- b. The CDPHE provided a background concentration determination on July 16, 2020 indicating that the data above (and in Table 1) should be used for the proposed facility for PM₁₀ and PM_{2.5} standards.

As shown in Table 3, the maximum predicted concentrations at all receptors are below the applicable NAAQS. Therefore, the Tucson South Pit demonstrates compliance with the NAAQS requirement.

Figures 2, 3, and 4 below show the concentration gradient of the NAAQS analysis. Note that the concentrations are inclusive of the CDPHE-provided background concentrations. Maximum impacts occur in the immediate vicinity of the facility; therefore, the full receptor grid is not shown in the figures below.

Figure 2. 24-Hour PM_{2.5} NAAQS Run Total Concentration Gradient

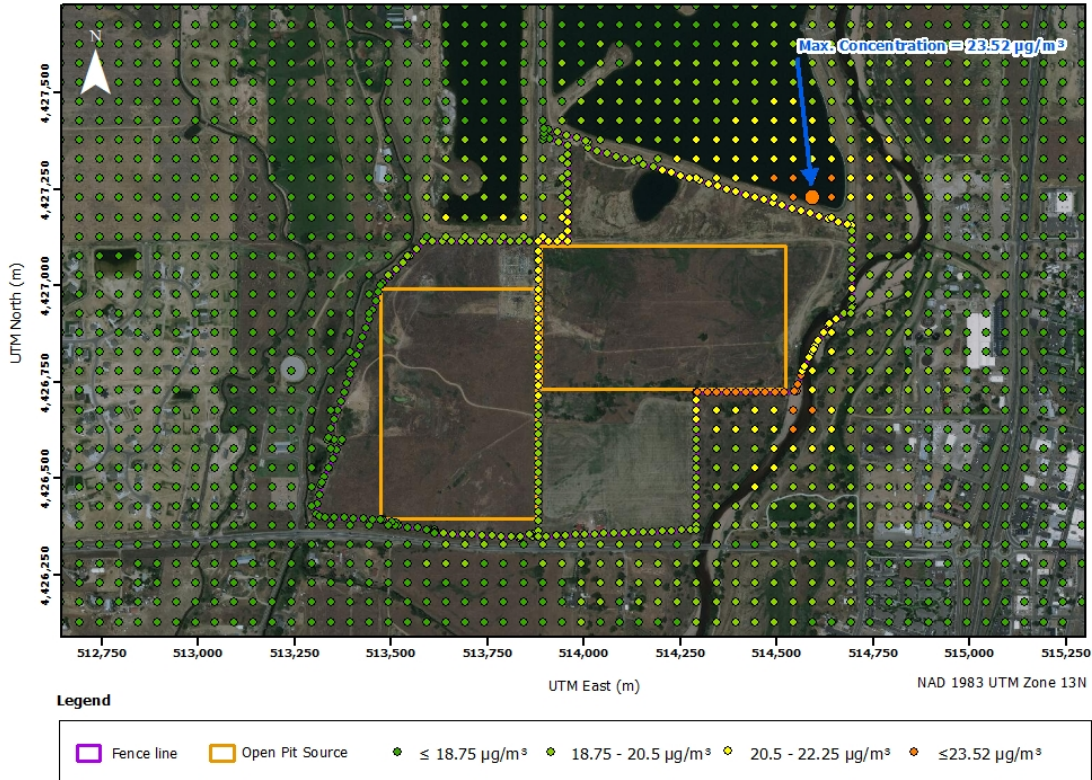


Figure 3. Annual PM_{2.5} NAAQS Run Total Concentration Gradient

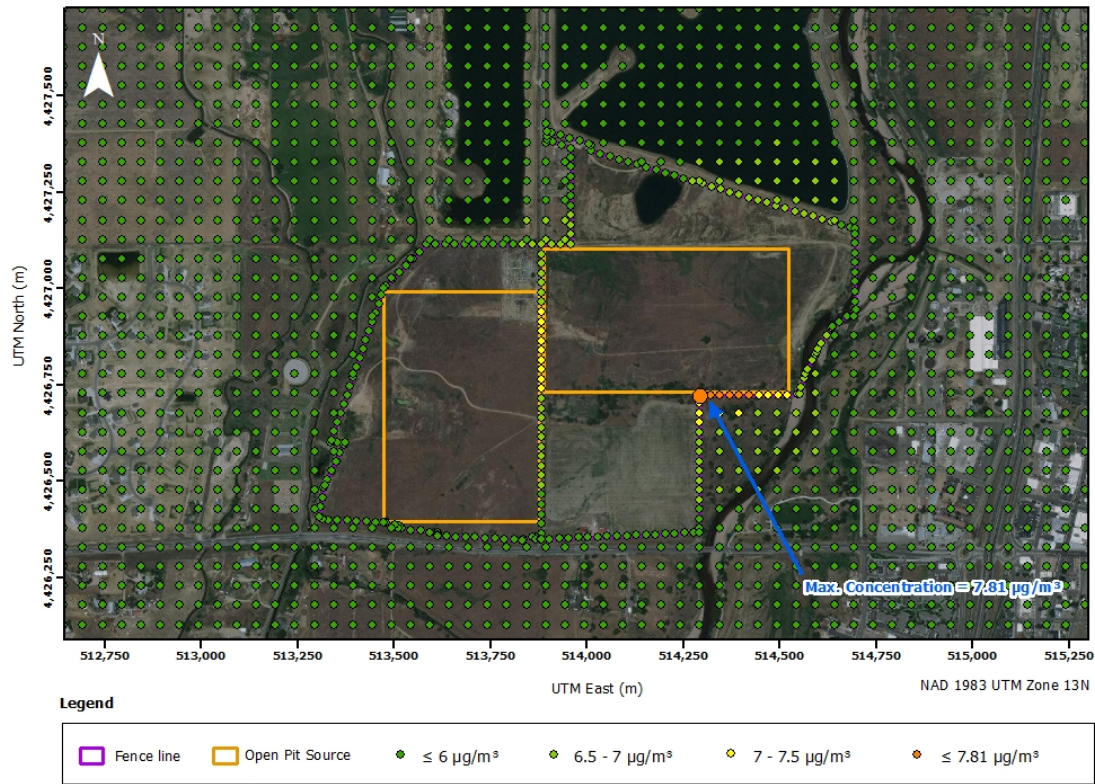
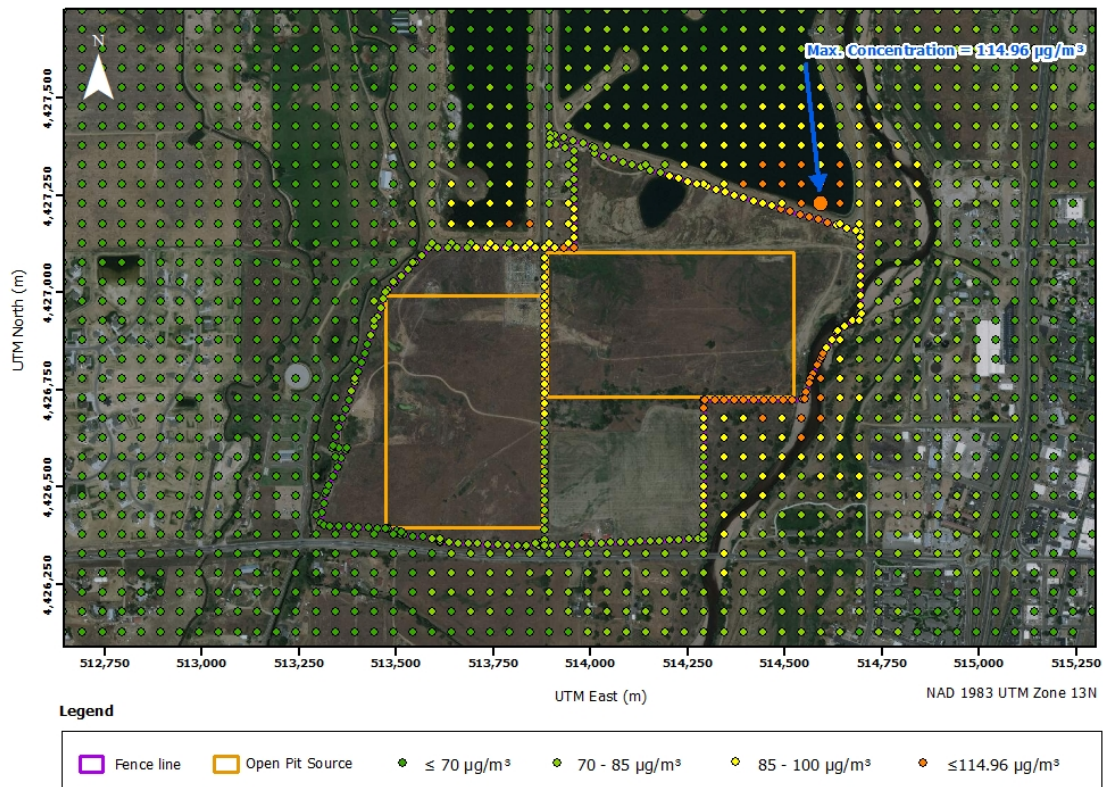


Figure 4. 24-Hour PM₁₀ NAAQS Run Total Concentration Gradient



Post-Construction Monitoring Analysis

Once the Tucson South Pit has been constructed, Aggregate Industries has agreed to place two dust monitors on the property fenceline. The approximate proposed locations for these monitors are shown in Figure 5 below.

The wind rose for the facility (Figure 6) indicates the predominant wind directions are from the southwest and from the northeast. The highest impacts from the cumulative modeling analysis were near the northeast fenceline.

By placing a dust monitor on the southwest and northeast portions of the Tucson South Pit fenceline, Aggregate Industries aims to capture both the background concentration and the concentration resulting from active mining and wind erosion at the site.

Figure 5. Proposed Post-Construction Dust Monitors

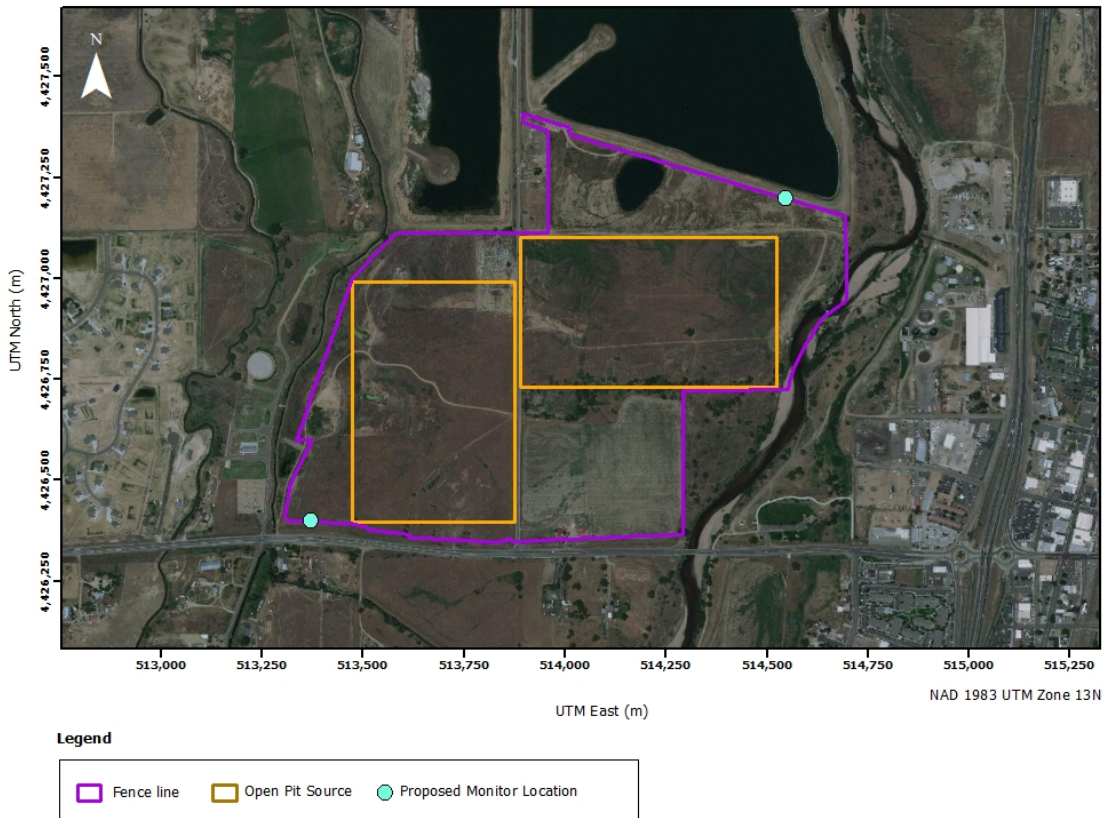
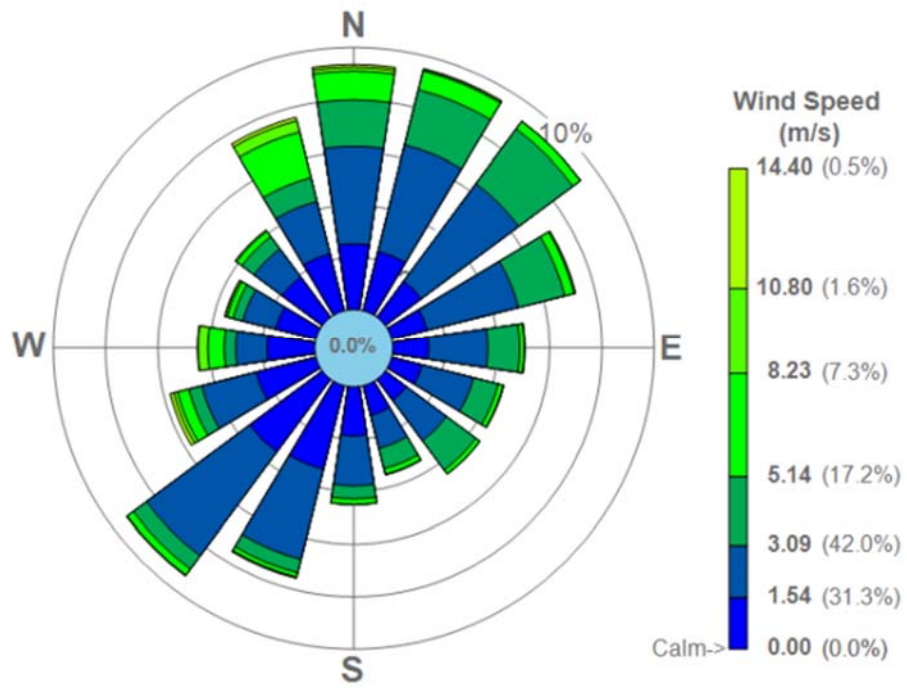


Figure 6. Surface Station Windrose Plot



DUST SENTRY

Near reference real-time particle monitor for specific dust fractions

Designed for environmental professionals who need to monitor and manage specific outdoor dust and particulate emissions, continuously and in real-time.

The Dust Sentry is a nephelometer-based instrument that delivers defensible and accurate mass measurement for PM₁₀, PM_{2.5}, PM₁, or TSP.

MCERTS certified for PM₁₀, and SCAQMD 1466 pre-approved.



What is it?

- Reduce failure and downtime thanks to this robust purpose-built outdoor dust monitor
- Set up and deploy in under 10 minutes – get live data flowing to your PC or mobile
- Reduce site visits using two-way communications – remotely troubleshoot, upgrade software, change settings, and calibrate
- Plug in all your devices – noise, weather, reference monitors – to the Dust Sentry power and data interface and view data in one software dashboard
- Power up with quick and easy interface to solar and battery systems
- Respond in real-time via configurable email / SMS alerts

What can it measure?

- Specific dust fractions, wind, weather and noise



Who is it for?

- **Industrial operators** who need to manage dust and particulates from site activities, within regulatory or permitted limits:
 - Construction and remediation projects
 - Quarry and mine operators
 - Port and bulk handling terminals
 - Waste management sites
- **Environmental consultants** who want defensible data without the usual time and hassle of air monitoring projects
- **Regulatory authorities** who need to fill the gaps in the regulatory PM monitoring network
- **EHS managers** who need to demonstrate that they are providing a safe environment for the people in their care
- **Researchers** who want to collect accurate, scientifically robust data without the cost of a reference PM monitor

Specifications | Dust Sentry

Particle Module	Sizes	Range	Accuracy	Resolution	Lower Detectable Limit (2σ)
Nephelometer	PM ₁ , PM _{2.5} , PM ₁₀ or TSP	0 to 60,000 µg/m ³	<±(2 µg/m ³ + 5 % of reading)	0.1 ug/m ³	<1 µg/m ³
System Specifications					
Control System	Embedded fanless PC (Intel Celeron® N3350, 1.1GHz, dual core, 4GB RAM, 32GB SSD hard drive), Ubuntu Linux Operating System				
Communications ¹	Standard: WIFI, Ethernet (LAN) Optional modem: Cellular IP 3G HSPA or 4G LTE				
Software	<p>Aeroqual Connect instrument operating system.</p> <p>Aeroqual Cloud instrument monitoring, management and technical support via secure cloud servers, accessed via web browser (IE, Firefox, Chrome, Safari).</p> <ul style="list-style-type: none"> • Cloud standard features; configuration, calibration, diagnostics, remote technical support. • Cloud optional features; text (SMS) and email alerts, 3rd party sensor measurements, full data visualisation with charts, wind and pollution roses, data reporting with auto data export via FTP and API, full instrument event journal capture. 				
Data logging	32 GB Hard Drive (> 5 years data storage)				
Outputs	2 x Relay (optional), 4 x 4-20 mA (optional)				
Averaging period	1 min, 5 min, 10 min, 15 min, 20 min, 30 min, 1 hr, 2 hr, 4 hr, 8 hr, 12 hr, 24 hr				
Power requirements ²	100-260 VAC (standard): 30 ^a W / 24.7 ^b W, Regulated 12 VDC (if required): 33 ^a W / 27.2 ^b W				
Enclosure	Lockable IP65 GRP cabinet with integrated aluminum solar shield armor				
PM Sampling System	<p>Inlet: Omni-directional 36 cm (14.1 inches) heated inlet; Optional sharp cut cyclones for PM₁₀, PM_{2.5} or PM₁ size selection</p> <p>Pump: 12 V brushless DC diaphragm</p> <p>Optics: 670 nm laser, near-forward scattering nephelometer with sheath air protection</p>				
Dimensions	483 H x 330 W x 187 D mm (19 H x 13 W x 7.4 D inches) Includes solar shield armor & mounting brackets				
Weight ³	< 13 kg (28.6 lbs)				
Environmental operating range	-10 °C to +50 °C (14 °F to 122 °F)				
Mounting	Pole, tripod and wall mounting brackets included				
47mm Sample Filter (Optional)	47 mm filter for particle loading analysis				
Factory Integrated & Tested Sensors (Optional)	Gill WindSonic (ultrasonic wind sensor), Vaisala WXT536 (weather transmitter), Met One MSO (weather transmitter), Cirrus MK427 Class 1 (noise sensor), Novalynx Pyranometer (solar radiation), BSWA 308 (sound level meter) Met-One BC-1060 (black carbon monitor), Met-One E-BAM PLUS (Beta-Attenuation Mass Monitor)				

¹ 4G LTE not available in all markets.

^{2,3} Configuration used for power and weight calculations: base unit, nephelometer, PM₁₀ sharp cut, modem, heater on.

^a Configured as per note 2, and incl. Moxa modem.

^b Configured as per note 2, and incl. Sierra modem.

⁴ Dimensions are for enclosure. PM sampling inlet with cyclone adds 360 mm (14.17") to total height.





CONSTRUCTION PERMIT

Permit number: **17AD0577F** Issuance: **1**

Date issued: February 20, 2018

Issued to: **Aggregate Industries, WCR**

Facility Name: Tucson South Pit
 Plant AIRS ID: 001/2169
 Physical Location: 16200 Tucson Street, Brighton
 County: Adams County
 General Description: Sand and gravel pit

Equipment or activity subject to this permit:

AIRS Point	Description
001	Material extraction, handling, stockpiling, and hauling.

THIS PERMIT IS GRANTED SUBJECT TO ALL RULES AND REGULATIONS OF THE COLORADO AIR QUALITY CONTROL COMMISSION AND THE COLORADO AIR POLLUTION PREVENTION AND CONTROL ACT C.R.S. (25-7-101 et seq), TO THOSE GENERAL TERMS AND CONDITIONS INCLUDED IN THIS DOCUMENT AND THE FOLLOWING SPECIFIC TERMS AND CONDITIONS:

REQUIREMENTS TO SELF-CERTIFY FOR FINAL APPROVAL

1. Point 001: YOU MUST notify the Air Pollution Control Division (Division) no later than fifteen days after commencement of operation under this permit by submitting a Notice of Startup (NOS) form to the Division. The Notice of Startup (NOS) form may be downloaded online at <https://www.colorado.gov/pacific/cdphe/other-air-permitting-notice>. Failure to notify the Division of startup of the permitted source is a violation of AQCC Regulation Number 3, Part B, Section III.G.1 and can result in the revocation of the permit.
2. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, compliance with the conditions contained on this permit must be demonstrated to the Division. It is the permittee's responsibility to self-certify compliance with the conditions. Failure to demonstrate compliance within 180 days may result in revocation of the permit or enforcement action by the Division. Information on how to certify compliance was mailed with the permit or can be obtained from the Division's website at <https://www.colorado.gov/pacific/cdphe/air-permit-self-certification>. (Reference: Regulation Number 3, Part B, III.G.2).

3. This permit will expire if the owner or operator of the source for which this permit was issued: (i) does not commence construction/modification or operation of this source within 18 months after either the date of issuance of this initial approval permit or the date on which such construction or activity was scheduled to commence as set forth in the permit application associated with this permit; (ii) discontinues construction for a period of eighteen months or more; or (iii) does not complete construction within a reasonable time of the estimated completion date (See General Condition Number 6., Item 1.). Upon a showing of good cause by the permittee, the Division may grant extensions of the permit. (Reference: Regulation Number 3, Part B, III.F.4.)
4. Within one hundred and eighty days (180) after commencement of operation or issuance of this permit, whichever is later, the operator must complete all initial compliance testing and sampling as required in this permit and submit the results to the Division as part of the self-certification process. (Reference: Regulation Number 3, Part B, III.G.2.)
5. Within one thirty (30) days after commencement of operation or issuance of this permit, whichever is later, the AIRS ID (example: 001/2169/001) number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.G.2.) (State only enforceable)

EMISSION LIMITATIONS AND RECORDS

6. Emissions of air pollutants must not exceed the following limitations (as calculated using the emission factors included in the Notes to Permit Holder section of this permit). (Reference: Regulation Number 3, Part B, II.A.4)

Annual Emission Limits:

AIRS Point	Tons per Year		
	PM	PM ₁₀	PM _{2.5}
001	13.4	7.1	0.7

Note: In the absence of credible evidence to the contrary, compliance with the fugitive emission limits is demonstrated by complying with the production limits listed below and by following the attached particulate emissions control plan.

PROCESS LIMITATIONS AND RECORDS

7. This source must be limited to the following maximum consumption, processing and/or operational rates as listed below. Daily and annual records of the actual process rate must be maintained by the applicant and made available to the Division for inspection upon request. (Reference: Regulation Number 3, Part B, II.A.4)

Production Limits:

AIRS Point	Production Parameter	Annual Limit (tons/year)
001	Sand and gravel extraction	2,800,000

STATE AND FEDERAL REGULATORY REQUIREMENTS

8. Visible emissions from conveyors and transfer points must not exceed twenty percent (20%) opacity during normal operation of the source. During periods of startup, process modification, or adjustment of control equipment visible emissions must not exceed 30% opacity for more than six minutes in any sixty consecutive minutes. (Reference: Regulation Number 1, II.A.1. & 4.)

OPERATING & MAINTENANCE REQUIREMENTS

9. This source is not required to follow a Division-approved operating and maintenance plan.

COMPLIANCE TESTING AND SAMPLING

Periodic Testing Requirements

10. Periodic testing is not required for this source.

ADDITIONAL REQUIREMENTS

11. The AIRS ID number must be posted in an easily visible location for ease of identification. (Reference: Regulation Number 3, Part B, III.E.) (State only enforceable)
12. The particulate emission control measures listed on the attached page (as approved by the Division) must be applied to the particulate emission producing sources as required by Regulation Number 1, III.D.1.b.
13. This permit is for the activities specified above; any additional process equipment (i.e. crushers, screens, etc.) to be located at this site must have a separate permit from the Division. (Reference: Reg. 3, Part B, III.E.)
14. A Revised Air Pollutant Emission Notice (APEN) must be filed: (Reference: Regulation Number 3, Part A, II.C.)
 - a. By April 30 of the year following a significant increase in emissions. A significant increase in emissions is defined as follows:

For any criteria pollutant:

For sources emitting **less than 100 tons per year**, a change in annual actual emissions of five (5) tons per year or more, above the level reported on the last APEN; or

For sources emitting **any amount of lead**, a change in actual emissions of fifty (50) pounds of lead above the level reported on the last APEN submitted.

For any non-criteria reportable pollutant:

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires.

GENERAL TERMS AND CONDITIONS:

- 15. This permit and any attachments must be retained and made available for inspection upon request. The permit may be reissued to a new owner by the Division as provided in Regulation Number 3, Part B, II.B upon a request for transfer of ownership and the submittal of a revised APEN and the required fee.
- 16. If this permit specifically states that final approval has been granted, then the remainder of this condition is not applicable. Otherwise, the issuance of this construction permit is considered initial approval and does not provide "final" approval for this activity or operation of this source. Final approval of the permit must be secured from the APCD in writing in accordance with the provisions of 25-7-114.5(12)(a) C.R.S. and AQCC Regulation Number 3, Part B, III.G. Final approval cannot be granted until the operation or activity commences and has been verified by the APCD as conforming in all respects with the conditions of the permit. Once self-certification of all points has been reviewed and approved by the Division, it will provide written documentation of such final approval. **Details for obtaining final approval to operate are located in the Requirements to Self-Certify for Final Approval section of this permit.** The operator must retain the permit final approval letter issued by the Division after completion of self-certification with the most current construction permit.
- 17. This permit is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon conduct of the activity, or construction, installation and operation of the source, in accordance with this information and with representations made by the applicant or applicant's agents. It is valid only for the equipment and operations or activity(ies) specifically identified in this permit. If subsequent operations or testing at the source indicate the information supplied to obtain this permit and relied upon in the creation and issuance of this permit is inaccurate, the source must submit an application to modify the permit to address the inaccuracy(ies). (Reference: Regulation Number 3, Part B III.E.)

By: 
 Jonathan Brickey
 Permit Engineer

By: 
 For: R K Hancock III, P.E.
 Construction Permits Unit Supervisor

Permit History:

Permit History

Issuance	Date	Description
Issuance #1	This Issuance	Issued to Aggregate Industries, WCR.

Notes to Permit Holder (as of permit issuance):

- 1) The production or raw material processing limits and emission limits contained in this permit are based on the production/processing rates requested in the permit application. These limits may be revised upon request of the permittee providing there is no exceedence of any specific emission control regulation or any ambient air quality standard. A revised air pollutant emission notice (APEN) and application form must be submitted with a request for a permit revision. (Reference: Regulation Number 3, Part B II.A.4.)
- 2) This source is subject to the Common Provisions Regulation Part II, Subpart E, Affirmative Defense Provision for Excess Emissions During Malfunctions. The permittee must notify the Division of any malfunction condition which causes a violation of any emission limit or limits stated in this permit as soon as possible, but no later than noon of the next working day, followed by written notice to the Division addressing all of the criteria set forth in Part II.E.1. of the Common Provisions Regulation. See: <https://www.colorado.gov/pacific/cdphe/aqcc-regs>.
- 3) In accordance with C.R.S. 25-7-114.1, each Air Pollutant Emission Notice (APEN) associated with this permit is valid for a term of five years from the date it was received by the Division. A revised APEN must be submitted no later than 30 days before the five-year term expires. Please refer to the most recent annual fee invoice to determine the APEN expiration date for each emissions point associated with this permit. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

- 4) This facility is classified as follows:

Applicable Requirement	Status
Operating Permit	Minor source
PSD/NANSR	Minor source

- 5) The permit holder is required to pay fees for the processing time for this permit. An invoice for these fees will be issued after the permit is issued. Failure to pay the invoice will result in revocation of this permit. The permit holder must pay the invoice within 30 days of receipt of the invoice (Reference: Regulation Number 3, Part A, VI.B.).
- 6) Unless specifically stated otherwise, the general and specific conditions contained in this permit have been determined by the Division to be necessary to assure compliance with the provisions of Section 25-7-114.5(7)(a), C.R.S.
- 7) Each and every condition of this permit is a material part hereof and is not severable. Any challenge to or appeal of a condition hereof must constitute a rejection of the entire permit and upon such occurrence, this permit must be deemed denied *ab initio*. This permit may be revoked at any time prior to self-certification and final authorization by the Division on grounds set forth in the Colorado Air Pollution Prevention and Control Act and regulations of the AQCC including failure to meet any express term or condition of the permit. If the Division denies a permit, conditions imposed upon a permit are contested by the applicant, or the Division revokes a permit, the applicant or owner or operator of a source may request a hearing before the AQCC for review of the Division's action. (Reference: Regulation Number 3, Part B III.F.)

- 8) Section 25-7-114.7(2)(a), C.R.S. requires that all sources required to file an Air Pollutant Emission Notice (APEN) must **pay an annual emission fee**. If a source or activity is to be discontinued, the owner must notify the Division in writing requesting a cancellation of the permit. Upon notification, annual fee billing will terminate.
- 9) Violation of the terms of a permit or of the provisions of the Colorado Air Pollution Prevention and Control Act or the regulations of the AQCC may result in administrative, civil or criminal enforcement actions under Sections 25-7-115 (enforcement), -121 (injunctions), -122 (civil penalties), -122.1 (criminal penalties), C.R.S.

PARTICULATE EMISSIONS CONTROL PLAN FOR MINING AND PROCESSING ACTIVITIES

THE FOLLOWING PARTICULATE EMISSIONS CONTROL MEASURES MUST BE USED FOR COMPLIANCE PURPOSES ON THE ACTIVITIES COVERED BY THIS PERMIT, AS REQUIRED BY THE AIR QUALITY CONTROL COMMISSION REGULATION NUMBER 1, III.D.1.b. THIS SOURCE IS SUBJECT TO THE FOLLOWING EMISSION GUIDELINES:

- a. **Mining and Processing Activities** - Visible emissions not to exceed 20%, no off-property transport of visible emissions.
- b. **Haul Roads** - No off-property transport of visible emissions must apply to on-site haul roads, the nuisance guidelines must apply to off-site haul roads.
- c. **Haul Trucks** - There must be no off-property transport of visible emissions from haul trucks when operating on the property of the owner or operator. There must be no off-vehicle transport of visible emissions from the material in the haul trucks when operating off of the property of the owner or operator.

Control Measures

1. Adequate soil moisture must be maintained in topsoil and overburden to control emissions during removal. Watering must be implemented if necessary.
2. Topsoil and overburden stockpiles must be compacted and revegetated within one year.
3. Emissions from material handling (i.e. removal, loading, and hauling) must be controlled by watering at all times unless natural moisture is sufficient to control emissions.
4. Haul roads must be treated with chemical stabilizer per manufacturer's recommendations, and watered as often as needed to control fugitive particulate emissions such that the above guidelines are met.
5. Reclamation works and sequential extraction of material must be initiated to keep the total disturbed areas at any one time to a minimum.
6. All disturbed areas must be watered as often as needed to control fugitive particulate emissions such that the above guidelines are met, and revegetated with mulch within one year.

July 24, 2020

Certified Mail 7019 1640 0000 8368 3547

Colorado Department of Public Health and Environment
Air Pollution Control Division
4300 Cherry Creek Drive South
Denver, Colorado 80246



Re: Permit Modification
Air Permit 17AD0577F
Tucson South Pit, Brighton, Colorado

To Whom It May Concern,

Aggregate Industries (AI) is authorized under Permit 17AD0577F to conduct material extraction, handling, stockpiling, and hauling at the Tucson South Pit located at 16200 Tucson St. in Brighton, Colorado. AI is currently in the final stages of the local land use/zoning-permitting process with Adams County; therefore, startup of these activities has not commenced. During the local land use permitting process, it was determined that a conveyor system will be used to transport material from mining operations instead of truck hauling to minimize traffic congestion and fugitive dust. AI is seeking a modification to the permit to reflect this process change. AI requests no changes to existing production and emission limits. It is estimated that startup will commence in January of 2021.

Please contact me at 970-396-5252 or jeremy.pritchett@lafargeholcim.com if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Pritchett", is written over a light blue horizontal line.

Jeremy Pritchett
Environmental and Land Manager

Enclosures:

Form APCD-222
Emission Calculations
Site Map and Layout
Filing Fee of \$216.00

Aggregate Industries
West Central Region, Inc.
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Telephone: 303-965-1070

An Equal Opportunity Employer

Permit Number: 17AD0577F

AIRS ID Number: 001 / 2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 2 - Requested Action

NEW permit OR newly-reported emission source

- OR -

MODIFICATION to existing permit *(check each box below that applies)*

- Change fuel or equipment Change company name³ Add point to existing permit
 Change permit limit Transfer of ownership⁴ Other *(describe below)*

- OR -

APEN submittal for update only (Note blank APENs will not be accepted)

- ADDITIONAL PERMIT ACTIONS -

APEN submittal for permit exempt/grandfathered source

Additional Info & Notes: The mine will utilize a conveyor system instead of truck hauling.

³ For company name change, a completed Company Name Change Certification Form (Form APCD-106) must be submitted.

⁴ For transfer of ownership, a completed Transfer of Ownership Certification Form (Form APCD-104) must be submitted.

Section 3 - General Information

General description of the activity *(additionally, provide a topographic site map):*

Sand and gravel mining. Material will be mined with an excavator then loaded onto conveyors to the Wattenberg Hopper.

From there, the material will be transported by conveyor across the South Platte River to the Platte Valley crushing and screening operation.

Wattenberg and Platte Valley operations are covered by permit 93WE448F.

For *existing* sources, operation began on: N/A

For *new or reconstructed* sources, the projected start-up date is: 1/1/2021

Normal Hours of Source Operation: 20 hours/day 6 days/week 50 weeks/year

Seasonal use percentage: Dec-Feb: 10 Mar-May: 30 Jun-Aug: 30 Sep-Nov: 30

Commodity Produced: *(check each box below that applies - as indicated on the applicable Division of Minerals and Geology Permit)*

- Aggregate / Sand and Gravel
 Stone
 Coal
 Minerals or Metals *(type):* _____
 Other *(describe):* _____

Permit Number: 17AD0577F

AIRS ID Number: 001 /2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 4 - Processing/Manufacturing Information & Material Use

Check this box if APEN is for Haul Roads only (not located at a mining site) and complete the applicable sections, **Section 4H - Raw Material Transport** and/or **Section 4I - Finished Product Transport** on pages 6 and 7. Otherwise complete all of Section 4.

From what year is the actual annual amount? N/A

Actual Annual Production (tons)	<u>N/A</u>
Requested Annual Production ⁵ (tons)	<u>2,800,000 (no change)</u>

⁵ Requested values will become permit limitations or will be evaluated for exempt status, as applicable, and should consider future process growth. Requested values are required on all APENs, including APEN updates.

Section 4A - Topsoil

Removal

Topsoil removed daily (tons) 1,000

Topsoil removed annual (tons) 100,000

Proposed controls for topsoil removal

Moist Material

Water Spray

Other (specify): _____

Stockpile(s)

Maximum stored on site (tons) 50,000

Proposed controls for topsoil stockpile

Watering

Chemical Stabilizer

Compacting of Piles

Enclosures (choose one option from below)

Complete Partial

Revegetation (must occur within one year of site disturbance)

Other (specify): _____

Section 4B - Overburden

Removal

Equipment used for removal Scraper

Tons removed by dragline (daily) N/A

Tons removed by dragline (annual) N/A

Dragline drop height (feet) N/A

Hours scraper operated (daily) 16

Hours scraper operated (annual) 600

Proposed controls for overburden removal

Moist material

Water Spray

Other (specify): _____

Stockpile(s)

Maximum stored on site (tons) 100,000

Proposed controls for overburden stockpile

Watering

Chemical stabilizer

Compacting of piles

Enclosures (choose one option from below)

Complete Partial

Revegetation (must occur within one year of site disturbance)

Other (specify): _____

Permit Number: 17AD0577F

AIRS ID Number: 001 /2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 4C - Drilling and Blasting

Drilling		Blasting	
Number of holes drilled (daily)	<u>N/A</u>	Blast area (acres)	<u>N/A</u>
Number of holes drilled (annual)	<u>N/A</u>	Number of blasts (daily)	<u>N/A</u>
Proposed controls for drilling		Number of blasts (annual)	<u>N/A</u>
<input type="checkbox"/> Water injection		Type of blasting material	<u>N/A</u>
<input type="checkbox"/> Bag collectors		Blasting material used (daily)	<u>N/A</u>
<input type="checkbox"/> Other (specify): _____		Blasting material used (annual)	<u>N/A</u>

Section 4D - Raw Material

Removal		Stockpile(s)	
Material removed daily (tons)	<u>18,000</u>	Maximum stored on site (tons)	<u>10,000</u>
Material removed annual (tons)	<u>2,800,000</u>	Proposed control for raw material stockpile	
Maximum drop height (feet)	<u>5</u>	<input checked="" type="checkbox"/> Watering	
Specific moisture content (%)	<u>18%</u>	<input type="checkbox"/> Chemical stabilizer	
Proposed controls for raw material removal		<input checked="" type="checkbox"/> Compacting of piles	
<input checked="" type="checkbox"/> Moist material		<input type="checkbox"/> Enclosures (choose one option from below)	
<input type="checkbox"/> Water spray		<input type="checkbox"/> Complete <input type="checkbox"/> Partial	
<input type="checkbox"/> Other (specify): _____		<input checked="" type="checkbox"/> Other (specify): <u>Moist material</u>	

Section 4E - Conveyors and Transfer Points (not assigned to process equipment)

Include a map detailing the conveyor system layout within the site.

Conveying		Transfer Points	
Material conveyed daily (tons)	<u>18,000</u>	Number of transfer points	<u>17</u>
Material conveyed annual (tons)	<u>2,800,000</u>	Proposed controls for transfer points	
Proposed controls for conveyors		<input checked="" type="checkbox"/> Watering	
<input type="checkbox"/> Enclosures (choose one option from below)		<input checked="" type="checkbox"/> Chemical stabilizer	
<input type="checkbox"/> Complete <input type="checkbox"/> Partial		<input type="checkbox"/> Enclosures (choose one option from below)	
<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Complete <input type="checkbox"/> Partial	
		<input type="checkbox"/> Other (specify): _____	

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 4F - Processing Equipment

Will processing (e.g. crushing, screening, etc.) occur on site? (yes/no) No.

If you answered “No” above (i.e. no processing/manufacturing equipment will be located on site) check the box below and skip to page 6, **Section 4G - Finished Product**.

Check this box if no process equipment is located on site.

List any additional emission sources and related controls (e.g. concrete batch plants, crushers/screens, engines, conveyors and transfer points associated with process equipment, asphalt plants, etc.). Additional APENs for any such equipment may be required. The following specialty APENs are available: Form APCD-224 Concrete Batch Plant APEN, Form APCD-221 Crusher/Screen APEN, Form APCD-233 Compression Ignition Engine APEN. If a specialty APEN is not appropriate for the additional equipment, use Form APCD-200 General APEN.

Additionally, complete the section below regarding crushing and screening performed on site.

Emission Source (or equipment type)	Control Equipment Description	Permit Number (if available)
N/A	N/A	N/A

Primary Crushing

Maximum crushed per year (tons) N/A
 Design process rate (tons/hour) N/A
 Duration of daily crushing (hours) N/A

Secondary Crushing

Maximum crushed per year (tons) N/A
 Design process rate (tons/hour) N/A

Proposed control for crushing

- Moist material
- Water spray
- Enclosures (choose one option from below)
 - Complete Partial
- Other (specify): _____

Screening/Classifying

Maximum screened per year (tons) N/A
 Design process rate (tons/hour) N/A
 Duration of daily screening (hours) N/A

Secondary Screening/Classifying

Maximum screened per year (tons) N/A
 Design process rate (tons/hour) N/A

Proposed control for screening

- Moist material
- Water spray
- Enclosures (choose one option from below)
 - Complete Partial
- Other (specify): _____

Note: Completion of this section does not relieve the applicant from the requirement to submit APEN forms for process equipment subject to APEN or permitting requirements.

Permit Number: 17AD0577F

AIRS ID Number: 001 /2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 4G - Finished Product

Stockpile(s)

Maximum stored on site (tons) N/A

Proposed control for finished product stockpile

- Watering
- Chemical stabilizer
- Compacting of piles
- Enclosures (choose one option from below)
 - Complete
 - Partial
- Revegetation (must occur within one year of site disturbance)
- Other (specify): _____

Section 4H - Raw Material Transport (raw material removal to stockpiles)

Annual on-site transfer: N/A tons

	<u>Haul Vehicle 1</u>	<u>Haul Vehicle 2</u>	<u>Haul Vehicle 3</u>	
Haul vehicle capacity:	_____	_____	_____	tons
Haul vehicle empty weight:	_____	_____	_____	tons
Max number of trips per day:	_____	_____	_____	
Haul road length (avg. one way):	_____	_____	_____	feet
Posted speed limit on haul road:	_____	_____	_____	mph

List all air pollution controls used for the haul roads:

- Paved Surface
 - Street sweeping: No Yes
- Unpaved Surface
 - Watering: None As needed Frequent⁶: _____ times/day
 - Surface is graveled: No Yes
 - Chemical stabilizer applied: No Yes Type: _____
(e.g. mag chloride, resin, etc.)

⁶ If "Frequent" is selected, your permit may include a requirement to water haul roads daily as often as listed in this APEN.

Permit Number: 17AD0577F

AIRS ID Number: 001 / 2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 4I - Finished Product Transport

Annual off-site transfer: N/A tons

Haul vehicle capacity: _____ Haul Vehicle 1 _____ Haul Vehicle 2 _____ Haul Vehicle 3 tons

Haul vehicle empty weight: _____ tons

Max number of trips per day: _____

Haul road length (avg. one way): _____ feet

Posted speed limit on haul road: _____ mph

List all air pollution controls used for the haul roads:

Paved Surface

Street sweeping: No Yes

Unpaved Surface

Watering: None As needed Frequent⁶: _____ times/day

Surface is graveled: No Yes

Chemical stabilizer applied: No Yes Type: _____
(e.g. mag chloride, resin, etc.)

⁶ If "Frequent" is selected, your permit may include a requirement to water haul roads daily as often as listed in this APEN.

Section 5 - Geographical/Site Information

Geographical Coordinates
(Latitude/Longitude or UTM)
39 deg. 59' 15.53" N, 104 deg. 50' 39.54" W

Attach a topographic site map indicating location.

Total site area (acres): 210 acres (3 parcels)

Total disturbed site area (acres): 155.8

Proposed site controls

Watering (choose one option from below)

Frequent (2 or more times per day)

As needed

Chemical stabilizer

Revegetation (must occur within one year of site disturbance)

Seeding with mulch

Seeding without mulch

Other (specify): _____

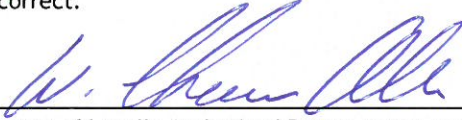
Permit Number: 17AD0577F

AIRS ID Number: 001 /2169 /

[Leave blank unless APCD has already assigned a permit # and AIRS ID]

Section 6 - Applicant Certification

I hereby certify that all information contained herein and information submitted with this application is complete, true, and correct.



7-24-20

Signature of Legally Authorized Person (not a vendor or consultant)

Date

Chance Allen

Regional General Manager

Name (print)

Title

Check the appropriate box to request a copy of the:

- Draft permit prior to issuance
 Draft permit prior to public notice

(Checking any of these boxes may result in an increased fee and/or processing time)

This emission notice is valid for five (5) years. Submission of a revised APEN is required 30 days prior to expiration of the five-year term, or when a reportable change is made (significant emissions increase, increase production, new equipment, change in fuel type, etc.). See Regulation No. 3, Part A, II.C. for revised APEN requirements.

Send this form along with \$216.00 to:

Colorado Department of Public Health and Environment
Air Pollution Control Division
APCD-SS-B1
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Make check payable to:

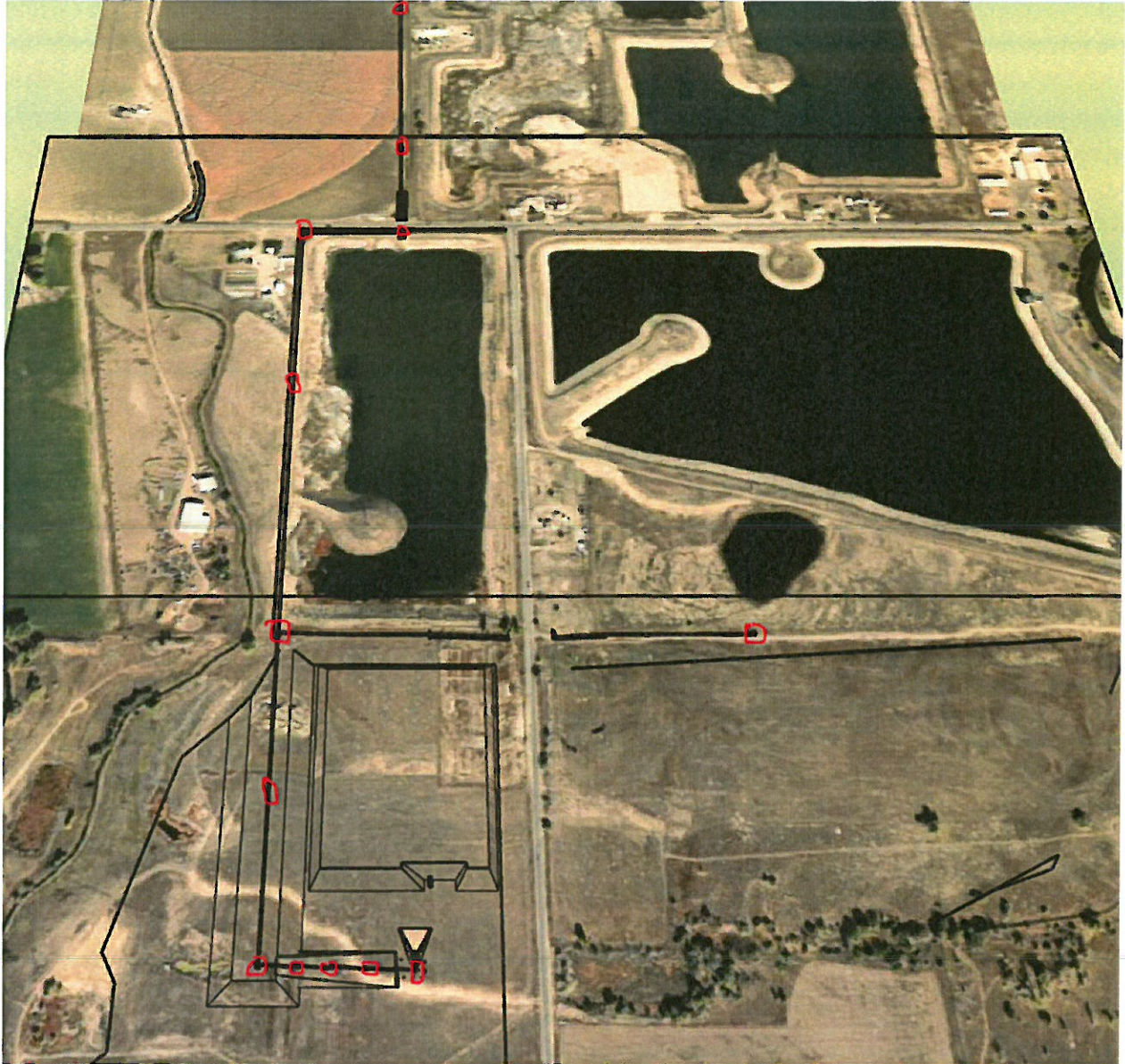
Colorado Department of Public Health and Environment

For more information or assistance call:

Small Business Assistance Program
(303) 692-3175
OR
(303) 692-3148

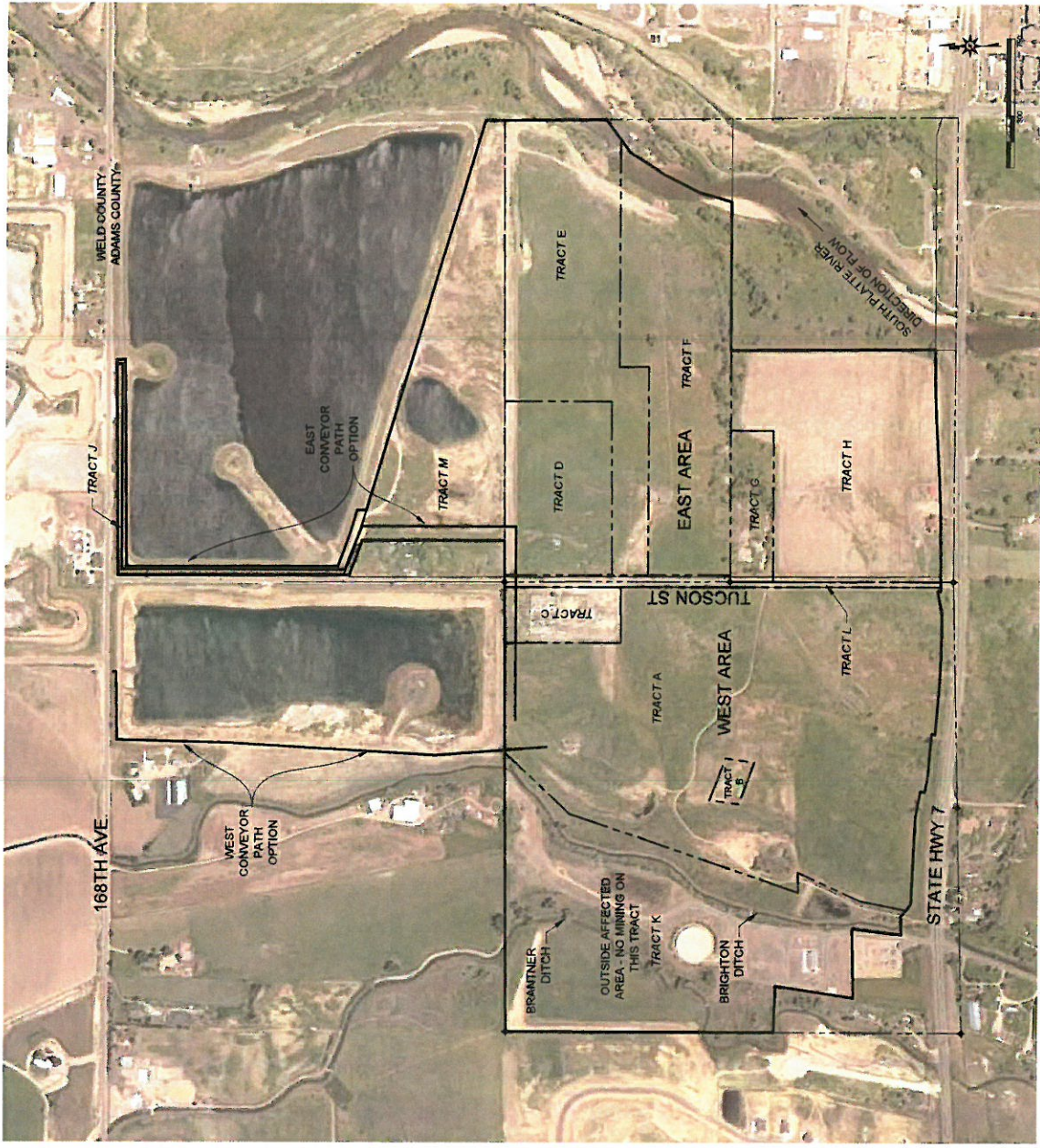
APCD Main Phone Number
(303) 692-3150





Proposed Conveyor Layout
Aggregate Industries – WCR, Inc.
Tucson South Pit, Permit No. 17AD0577F

**TUCSON SOUTH RESOURCE
PRE-MINING AND MINING PLAN MAPS**



CERTIFICATION:
THIS MAP WAS ORIGINALLY PREPARED, CERTIFIED BY TETRA TECH,
3/15/2015, PROJECT NUMBER 20023514-1004, MODIFIED BY MARK
SPINELL WITH LUPARESCO, ON 4/20/2020.

TETRA TECH
1300 E. Spruce St., Suite 140
Littleton, CO 80120
Phone: (303) 772-5282
www.tetra-tech.com

MARK	DATE	DESCRIPTION
BT		FIRST ACCURACY REVIEW RESPONSE
TH	7/19/15	FIRST ACCURACY REVIEW RESPONSE
TH	8/19/15	SECOND ACCURACY REVIEW RESPONSE
TH	12/18/15	THIRD ACCURACY REVIEW RESPONSE
4	4/20/20	NOT MINING SOUTH AREA UPDATE

AGGREGATE INDUSTRIES - WCR, INC.
TUCSON SOUTH
RESOURCE
EXHIBIT C
COVER SHEET & MINING NOTES

Project No.: 20023514-1004
Drawn By: JAK
Checked By: JAK
Date: 4/20/20

C-1
EXHIBIT
Bar Measure: 1"=50'

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION

ANNUAL EMISSIONS						
Emissions Source	Uncontrolled (tpy)			Controlled (tpy)		
	TSP	PM10	PM2.5	TSP	PM10	PM2.5
Topsoil Removal	2.9	1.4	0.2	0.9	0.4	0.1
Topsoil Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Overburden Removal	0.8	0.6	0.1	0.2	0.2	0.0
Overburden Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Drilling Operations	0.0	0.0	0.0	0.0	0.0	0.0
Blasting Operations (PM only)	0.0	0.0	0.0	0.0	0.0	0.0
Raw Material Removal	7.3	5.4	0.1	3.6	2.7	0.1
Raw Material Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Crusher Hopper Loading	0.0	0.0	0.0	0.0	0.0	0.0
Crushing	0.0	0.0	0.0	0.0	0.0	0.0
Screening	0.0	0.0	0.0	0.0	0.0	0.0
Conveyors & Transfer Points	71.4	26.2	3.9	7.0	2.6	0.4
Product Stockpiles	0.0	0.0	0.0	0.0	0.0	0.0
All Disturbed Areas	52.7	24.9	3.8	5.1	2.4	0.4
Raw Material Transport	0.0	0.0	0.0	0.0	0.0	0.0
Finished Product Transport	0.0	0.0	0.0	0.0	0.0	0.0
Total Pit Fugitive Emissions	63.6	32.4	4.2	10.0	5.8	0.6
Total Materials Processing Emissions	0	0	0	0	0	0
Total Pit Point Emissions	71.4	26.2	4	7	2.6	0.4
Total Overall Emissions	135.0	58.5	8.2	17.0	8.4	1.0
DAILY/HOURLY EMISSIONS						
Emissions Source	Controlled lb/day			Controlled lb/hour		
	TSP	PM10	PM2.5	TSP	PM10	PM2.5
Topsoil Removal	18.9	8.9	1.4	1.6	0.7	0.1
Topsoil Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Overburden Removal	9.9	0.0	0.0	0.8	0.0	0.0
Overburden Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Drilling Operations	0.0	0.0	0.0	0.0	0.0	0.0
Blasting Operations (PM only)	0.0	0.0	0.0	0.0	0.0	0.0
Raw Material Removal	46.6	35.0	0.8	3.9	2.9	0.1
Raw Material Stockpile	0.0	0.0	0.0	0.0	0.0	0.0
Crusher Hopper Loading	0.0	0.0	0.0	0.0	0.0	0.0
Crushing	0.0	0.0	0.0	0.0	0.0	0.0
Screening	0.0	0.0	0.0	0.0	0.0	0.0
Conveyors & Transfer Points	89.5	32.8	4.9	7.5	2.7	0.4
Product Stockpiles	0.0	0.0	0.0	0.0	0.0	0.0
All Disturbed Areas	36.5	17.3	2.6	3.0	1.4	0.2
Raw Material Transport	0.0	0.0	0.0	0.0	0.0	0.0
Finished Product Transport	0.0	0.0	0.0	0.0	0.0	0.0
Total Pit Fugitive Emissions	112	61.2	4.8	9.4	5.1	0.4
Total Materials Processing Emissions	0	0	0	0	0	0
Total Pit Point Emissions	89.6	32.9	5	7.5	2.8	0.5
Total Overall Emissions	201.5	94.1	9.7	16.8	7.9	0.9

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
AIR POLLUTION CONTROL DIVISION

Emission Source	TSP	PM10	PM2.5	NOx	CO	H2S	SO2	Unit	Source	Notes
Topsoil Removal	0.05800	0.02743	0.00415	-	-	-	-	lb/ton	AP-42 Table 11.9-4	PM10 is assumed to be 0.35/0.74 times that of TSP, as this is the ratio of constants in AP-42 13.2.4 Equation 1 used for stockpiling. This same method is used to determine ratio of PM2.5:PM10.
Topsoil Stockpile	0.00047	0.00022	0.00003	-	-	-	-	lb/ton	AP-42 13.2.4, Eq. 1	
Overburden (dozer/scrapper)	2.52937	1.89703	0.26558	-	-	-	-	lb/hour	AP-42 Table 11.9-1	
Overburden (dragline)	0.00000	0.00000	0.00000	-	-	-	-	lb/yd ³	AP-42 Table 11.9-1	
Overburden Stockpile	0.00041	0.00020	0.00003	-	-	-	-	lb/ton	AP-42 13.2.4, Eq. 1	
Raw Material Extraction	0.00518	0.00389	0.00009	-	-	-	-	lb/ton	AP-42 Table 11.9-1	
Conveyors & Transfer Points	0.00300	0.00110	0.00017	-	-	-	-	lb/ton	AP-42 Table 11.19.2-2	
Product Stockpile	0.00023	0.00011	0.00002	-	-	-	-	lb/ton	AP-42 13.2.4, Eq. 1	
Disturbed Areas	0.38000	0.17973	0.02722	-	-	-	-	ton/acre/yr	AP-42 Table 11.9-4	



MEMO

To:	Matthew Emmens, Adams County Community and Economic Development Department
cc:	
From:	Christine Felz, Land and Environment Manager, Aggregate Industries
Date:	July 29, 2020
Subject:	Tucson South Resource – Water Quality Permits, Erosion and Sediment Control BMP Installation

Aggregate Industries has submitted a Conditional Use Permit (CUP) application for the Tucson South Resource, an aggregate mine located in Adams County, Colorado. Adams County has requested information on the site's stormwater discharge coverage and erosion and sediment control installation. There are some peculiarities in the regulations covering stormwater discharges for this site. This memorandum is intended to demonstrate our interpretation of the requested data as it applies to a stormwater quality permits and associated erosion and sediment control BMP installation at the mine site.

Construction stormwater discharges are regulated and covered by Colorado Discharge Permit System (CDPS) Permit COR400000. This permit specifically covers discharges associated with construction activities only. As a mine, all stormwater discharges, except as noted in the permit, are covered under permit COG500000, which includes discharges from sand and gravel mining and processing. Adams County has confirmed this site is not within the Adams County MS4 Stormwater Permit area, and therefore, a County Stormwater Quality Permit for Construction Activities (SWQ) will not be required.

The published Fact Sheet for permit COG500000, section IV.C, states that "Consistent with Division practice, construction activity does not include land disturbance resulting from the act of mining, such as removal of topsoil and overburden to expose mineable minerals, or the extraction, removal or recovery of minerals." The fact sheet also states that construction activities including, but not limited to haul roads, pads, structures, etc. are considered construction activities. Construction activities must be covered separately under CDPS Permit COR400000.

CDPS Permit COG500000 and CDPS Permit COR400000 both require the preparation and maintenance of a Stormwater Management Plan (SWMP). The SWMP must include erosion control drawings that are periodically updated to reflect the measures installed, maintained, or removed. Before each new phase of the Tucson South Resource project commences, Aggregate Industries will update the relevant sections of the SWMP for either the COR400000 or COG500000 permits as applicable to include erosion and sediment control BMPs.

Although the County SWQ permit does not apply to this site, erosion and sediment control BMPs will be added, maintained or removed throughout the entire life of the mine and reclamation phases in order to comply with the State permits COR400000 and COG500000 and to comply with Aggregate Industries' internal stormwater management policies.



Dedicated to protecting and improving the health and environment of the people of Colorado

**CERTIFICATION TO DISCHARGE UNDER
 CDPS GENERAL PERMIT COG500000
 DISCHARGES ASSOCIATED WITH SAND & GRAVEL MINING AND PROCESSING
 (and other Nonmetallic Minerals except fuel)**

Certification Number: **COG502182**

This Certification to Discharge specifically authorizes:

Aggregate Industries WCR Inc
 to discharge from the facility identified as

Tucson South Aggregates
 to: **South Platte River**

Facility Located at:	Tucson St and Hwy 7, Thornton, Adams County, CO 80601
	Center Point Latitude 39.9899, Longitude -104.8376

Defined Discharge Outfall(s) to Surface Water	Outfall(s) Lat, Long	Discharge Outfall(s) Description	Receiving Stream	MGD
Outfall Number 001-A	39.9845, -104.8377	Mine pit dewatering commingled with stormwater	South Platte River	5
Outfall Number 002-A	39.9873, -104.8331	Mine pit dewatering commingled with stormwater	South Platte River	5
Outfall Number 003-A	39.9909, -104.8305	Mine pit dewatering commingled with stormwater	South Platte River	5
Outfall Number 004-A	39.9936, -104.8286	Mine pit dewatering commingled with stormwater	South Platte River	5

All discharges must comply with the lawful requirements of federal agencies, municipalities, counties, drainage districts and other local agencies regarding any discharges to storm drain systems, conveyances, or other water courses under their jurisdiction.



Permit Limitations and Monitoring Requirements apply to outfalls 001A, 002A, 003A, and 004A as outlined in the Permit in Parts I.C.1, I.D, and I.E.

Crushed Stone and Construction Sand and Gravel Facilities (SIC Codes 1442)

Permitted Feature ID: 001A, 002A, 003A, and 004A

Permitted Feature Type: External Outfall

Limit Set: 2

Parameter	Units	Discharge Limitations Maximum Concentrations				Monitoring Frequency	Sample Type
		30-Day Average	7-Day Average	Daily Max.	2 Year Average		
Flow ¹ , 50050	MGD	5	NA	Report	NA	Continuous ¹	Recorder ¹
pH, (Minimum- Maximum) 00400	s.u.	NA	NA	6.5-9.0	NA	2x/month	Grab
Total Suspended Solids, 00530	mg/l	30	45	NA	NA	2x/month	Grab
Oil and Grease Visual 84066		NA	NA	NA	NA	2x/month	Visual ²
Oil and Grease, 03582	mg/l	NA	NA	10	NA	Contingent ²	Grab
Site Specific Limitations							
Electrical Conductivity (EC), 00094	dS/m	Report	NA	NA	NA	Quarterly	Grab

1: Flow - The chronic flow limit is equal to the flow rate provided in the permit application, and will be stated on the certification. If power is not available, flow may be measured on an instantaneous basis.

2: Oil and Grease: - A visual observation of the discharge for each permitted outfall must be made 2 times per month. In the event an oil sheen or floating oil is observed, a grab sample shall be collected, analyzed, and reported on the DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil.

Certification issued: 8/30/2019

Effective: 9/1/2019

Expiration Date: 12/31/2021

This certification under the permit requires that specific actions be performed at designated times. The certification holder is legally obligated to comply with all terms and conditions of the permit.

Approved by
Erin Scott - Unit Manager
Industrial & Natural Resource Extraction Permitting Unit
Water Quality Control Division



Tucson South Sand and Gravel Mine Project— Adams County, Colorado

Biological Resources Inventory Report



September 2017



Prepared for: Aggregate Industries, LLC

Prepared by:



350 Indiana Street, Suite 500, Golden, CO, 80401

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- Attachment 1: County Weed Plan
- Attachment 2: IPAC

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- Figure 3: Survey Results—Vegetation
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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 227 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 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.

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 2017) 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

List ¹	Common Name	Scientific Name ¹
Colorado List A		
	African rue	<i>Peganum harmala</i>
	Camelthorn	<i>Alhagi pseudalhagi</i>
	Common crupina	<i>Crupina vulgaris</i>
	Cypress spurge	<i>Euphorbia cyparissias</i>
	Dyer's woad	<i>Isatis tinctoria</i>
	Elongated mustard	<i>Brassica elongata</i>
	Flowering rush	<i>Butomus umbellatus</i>
	Giant reed	<i>Arundo donax</i>
	Giant salvinia	<i>Salvinia molesta</i>
	Hairy willow-herb	<i>Epilobium hirsutum</i>
	Hydrilla	<i>Hydrilla verticillata</i>
	Bohemian Knotweed	<i>Polygonum x bohemicum</i>
	Giant Knotweed	<i>Polygonum sachalinense</i>
	Japanese Knotweed	<i>Polygonum cuspidatum</i>
	Meadow knapweed	<i>Centaurea pratensis</i>
	Mediterranean sage	<i>Salvia aethiopsis</i>
	Medusahead	<i>Taeniatherum caput-medusae</i>
	Myrtle spurge	<i>Euphorbia myrsinites</i>
	Orange hawkweed	<i>Hieracium aurantiacum</i>
	Parrotfeather	<i>Myriophyllum aquaticum</i>
	Purple loosestrife	<i>Lythrum salicaria</i>
	Rush skeletonweed	<i>Chondrilla juncea</i>
	Squarrose knapweed	<i>Centaurea virgata</i>
	Tansy ragwort	<i>Senecio jacobaea</i>
	Yellow starthistle	<i>Centaurea solstitialis</i>
Colorado List B		
	Absinth wormwood	<i>Artemisia absinthium</i>
	Black henbane	<i>Hyoscyamus niger</i>
	Bouncingbet	<i>Saponaria officinalis</i>
	Bull thistle	<i>Cirsium vulgare</i>
	Canada thistle	<i>Breea arvensis (Cirsium arvense)</i>
	Chinese clematis	<i>Clematis orientalis</i>
	Corn chamomile	<i>Anthemis arvensis</i>
	Mayweed chamomile	<i>Anthemis cotula</i>
	Scentless chamomile	<i>Tripleurospermum perforatum</i>
	Chinese clematis	<i>Clematis orientalis</i>

Table 1:
Colorado Noxious Weed List

List ¹	Common Name	Scientific Name ¹
	Common tansy	<i>Tanacetum vulgare</i>
	Common teasel	<i>Dipsacus fullonum</i>
	Corn chamomile	<i>Anthemis arvensis</i>
	Common teasel	<i>Dipsacus fullonum</i>
	Cutleaf teasel	<i>Dipsacus laciniatus</i>
	Dalmatian toadflax	<i>Linaria dalmatica</i>
	Dame's rocket	<i>Hesperis matronalis</i>
	Diffuse knapweed	<i>Acosta diffusa (Centaurea diffusa)</i>
	Eurasian watermilfoil	<i>Myriophyllum spicatum</i>
	Hoary cress	<i>Cardaria draba</i>
	Houndstongue	<i>Cynoglossum officinale</i>
	Jointed goatgrass	<i>Aegilops cylindrica</i>
	Leafy spurge	<i>Euphorbia esula</i>
	Moth mullein	<i>Verbascum blattaria</i>
	Musk thistle	<i>Carduus nutans</i>
	Oxeye daisy	<i>Chrysanthemum leucanthemum</i>
	Perennial pepperweed	<i>Lepidium latifolium</i>
	Plumeless thistle	<i>Carduus acanthoides</i>
	Russian knapweed	<i>Acroptilon repens</i>
	Russian-olive	<i>Elaeagnus angustifolia</i>
	Salt cedar	<i>Tamarix chinensis, T. parviflora, and T. ramosissima</i>
	Scentless chamomile	<i>Matricaria perforata</i>
	Scotch thistle	<i>Onopordum acanthium, and O. tauricum</i>
	Spotted knapweed	<i>Centaurea maculosa</i>
	Sulfur cinquefoil	<i>Potentilla recta</i>
	Wild caraway	<i>Carum carvi</i>
	Yellow nutsedge	<i>Cyperus esculentus</i>
	Yellow toadflax	<i>Linaria vulgaris</i>
Colorado List C		
	Bulbous Goatgrass	<i>Poa bulbosa</i>
	Chicory	<i>Cichorium intybus</i>
	Common burdock	<i>Arctium minus</i>
	Common mullein	<i>Verbascum thapsus</i>
	Common St. Johnswort	<i>Hypericum perforatum</i>
	Downy brome	<i>Bromus tectorum</i>
	Field bindweed	<i>Convolvulus arvensis</i>
	Halogeton	<i>Halogeton glomeratus</i>
	Perennial sowthistle	<i>Sonchus arvensis</i>
	Poison hemlock	<i>Conium maculatum</i>
	Puncturevine	<i>Tribulus terrestris</i>
	Quackgrass	<i>Elymus repens</i>

Table 1:
Colorado Noxious Weed List

List ¹	Common Name	Scientific Name ¹
	Redstem fillaree	<i>Erodium cicutarium</i>
	Velvetleaf	<i>Abutilon theophrasti</i>
	Wild proso millet	<i>Panicum miliaceum</i>

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)
- Natural Resource Conservation Service (NRCS) Soil Survey Geographic (SSURGO) Database. Shapefile. Accessed July 8, 2017. Available online: <http://sdmdataaccess.nrcs.usda.gov/>. (NRCS 2017)
- Multi Resolution Land Characteristics Consortium National Land Cover Dataset Compilation (NLCD) (Fry et al. 2011)
- Hammerson, G.A. 1999. *Amphibians and Reptiles in Colorado*. Second Edition, 2nd Edition. University Press of Colorado (Niwot, Colorado) and Colorado Division of Wildlife
- Sibley, David Allen. 2014. *Sibley Guide to Birds*. Second Edition. Knopf Publishing Group

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

Common Name	Scientific Name
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Black-tailed Prairie Dog	<i>Cynomys ludovicianus</i>
Goose	<i>Branta</i> spp.
Great Blue Heron	<i>Ardea herodias</i>
White Pelican	<i>Pelecanus erythrorhynchos</i>
Mule Deer	<i>Odocoileus hemionus</i>
Preble’s Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>
White-tailed deer	<i>Odocoileus virginianus</i>
Wild turkey	<i>Meleagris</i> spp.

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 3:
Federally Listed Species Known to Occur in Adams County, Colorado

Common Name	Scientific Name ¹	Status ²	Likelihood of Occurrence in Project area/Habitat Suitability ³
Birds			
Least Tern (interior population) ³	<i>Sternula antillarum</i>	FE	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.
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	FT	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.
Piping Plover ⁴	<i>Charadrius melodus</i>	FT	Unlikely to occur. Suitable habitat includes sparsely vegetated sandbars of rivers and sparsely vegetated and frequently alkaline beaches, lakeshores, 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.
Whooping Crane ³	<i>Grus americana</i>	FE	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.

Table 3:
Federally Listed Species Known to Occur in Adams County, Colorado

Common Name	Scientific Name ¹	Status ²	Likelihood of Occurrence in Project area/Habitat Suitability ³
Fishes			
Pallid Sturgeon ³	<i>Scaphirhynchus albus</i>	FE	Not present in Colorado. This species is documented to occur downstream in the Platte River in Nebraska. The Project does not anticipate causing any water depletions to the South Platte River. Pallid sturgeon are a bottom-oriented, large river obligate fish inhabiting the systems of the Missouri and Mississippi rivers. No critical habitat has been designated for the pallid sturgeon in the Project area.
Mammals			
Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	FT	Unlikely to occur. Project is located in the USFWS Preble's Meadow Jumping Mouse Block Clearance Zone. ⁴
Plants			
Colorado Butterfly Plant ⁵	<i>Oenothera coloradensis</i> spp. <i>coloradensis</i>	FT	Unlikely to occur. The Colorado butterfly plant (COBP) is known to occur in Adams County; however, COBP was not observed in the Project area during the site visit and potential COBP habitat does not exist in the Project area. COBP is an early successional plant (although probably not a pioneer) adapted to use sub-irrigated alluvial stream channel sites and floodplains surrounded by mixed grass prairie that are periodically disturbed. COBP occurs at elevations of 5,000–6,400 feet, which is slightly higher than the elevation range of the Project area. The habitat at the South Platte River Creek has dense vegetation cover with at least partial canopy coverage by shrubs and trees, which is not suitable habitat for COBP. No designated critical habitat for COBP exists in the Project area. The Project is not expected to impact the South Platte River or associated wetlands.
Ute Ladies'-tresses orchid ⁶	<i>Spiranthes diluvialis</i>	FT	Unlikely to occur. Suitable habitat likely does exist for Ute ladies'-tresses orchid (ULTO), however the species is not known to occur in Adams County. Suitable habitat includes perennial stream terraces, floodplains, and oxbows at elevations between 4,300–7,000 feet. Recent surveys since 1992 have expanded the number of vegetation and hydrology types occupied by ULTO to include seasonally flooded river terraces, subirrigated or spring-fed abandoned stream channels and valleys, and lakeshores. Twenty-six populations have been discovered along irrigation canals, berms, levees, irrigated meadows, excavated gravel pits, roadside barrow pits, reservoirs, and other human-modified wetlands. The habitats at the crossings of the South Platte River have dense vegetation cover with at least partial canopy coverage. No critical habitat designated for ULTO exists in the Project area.
Western Prairie Fringed Orchid ³	<i>Platanthera praeclara</i>	FT	Not present. Western prairie fringed orchid is a perennial orchid of the North American tall grass prairie and is found most often on unplowed calcareous prairies and sedge meadows. This species is dependent on mycorrhizal fungi, and its persistence is dependent on periodic disturbance by fire, mowing, or grazing. The species occurs in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and Oklahoma. Upstream depletions to the Platte River system in Colorado and Wyoming may affect the species in Nebraska. No critical habitat is designated for the orchid in the Project area.

1 Source: Ackerfield (2015)

2 FE = Federal Endangered, FT = Federal Threatened

3 USFWS (2017a)

- 3 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.
- 4 USFWS (2010)
- 5 CNHP (2015a)
- 6 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

Taxonomic Group	Common Name	Scientific Name	State Status	Likelihood of Occurrence within the Project Area ¹
Amphibians ²	Boreal Toad	<i>Bufo boreas</i>	SE	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.
Birds ³	Burrowing Owl	<i>Athene cucularia</i>	ST	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).
	Least Tern	<i>Sterna antillarum</i>	SE	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.
	Lesser Prairie Chicken	<i>Tympanuchus pallidicinctus</i>	ST	Unlikely to occur. Occupies the grasslands of Texas, Oklahoma, New Mexico, Kansas, and southeastern Colorado, outside the Project area.
	Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	ST	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.
	Plains Sharp-Tailed Grouse	<i>Tympanuchus phasianellus jamesii</i>	SE	Unlikely to occur. Occurs in native grassland habitats with shrub cover or grain fields that do not occur in or around the Project area.
	Piping Plover	<i>Charadrius melodus circumcinctus</i>	ST	Unlikely to occur. The study area is outside typical breeding and wintering distribution. Occurs in the Platte River watershed downstream in Nebraska.
	Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	SE	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.
	Whooping Crane	<i>Grus americana</i>	SE	Unlikely to occur. The study area is outside typical distribution. Occurs in the Platte River watershed downstream in Nebraska.

Table 4:
State Listed Species and Their Likelihood of Occurrence Within the Project Area

Taxonomic Group	Common Name	Scientific Name	State Status	Likelihood of Occurrence within the Project Area ¹
	Arkansas Darter	<i>Etheostoma Cragini</i>	ST	Unlikely to occur. The range of the species occurs within the Arkansas River drainage, outside of the Project area.
Fish ^{4,5}	Bonytail	<i>Gila elegans</i>	SE	Unlikely to occur. Does not occur east of the Continental Divide.
	Brassy Minnow	<i>Hybognathus hankinsoni</i>	ST	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.
	Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	ST	Unlikely to occur. Does not occur east of the Continental Divide.
	Greenback Cutthroat Trout	<i>Oncorhynchus clarki stomias</i>	ST	Unlikely to occur. Prefers clear, cold gravelly headwater streams in mountainous regions, which do not exist within the Project area.
	Humpback Chub	<i>Gila cypha</i>	ST	Unlikely to occur. Does not occur east of the Continental Divide.
	Lake Chub	<i>Couesius plumbeus</i>	SE	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.
	Northern Redbelly Dace	<i>Phoxinus eos</i>	SE	Unlikely to occur. In Colorado, known only to occur in the West Plum Creek drainage, outside of the Project area.
	Plains Minnow ⁶	<i>Hybognathus placitus</i>	SE	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.
	Rio Grande Sucker	<i>Catostomus plebeius</i>	SE	Unlikely to occur. Not known to occur in the South Platte River drainage system.
	Razorback Sucker	<i>Xyrauchen texanus</i>	SE	Unlikely to occur. The species occurs in the Colorado River system, outside of the Project area.
	Southern Redbelly Dace	<i>Phoxinus erythrogaster</i>	SE	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.
	Suckermouth Minnow ⁶	<i>Phenacobius mirabilis</i>	SE	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.
	Black-Footed Ferret	<i>Mustela nigripes</i>	SE	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.
	Gray Wolf	<i>Canis lupus</i>	SE	Unlikely to occur. This species is considered extirpated in Colorado.
Grizzly Bear	<i>Ursus arctos</i>	SE	Unlikely to occur. This species is considered extirpated in Colorado.	
Mammals ⁷	Kit Fox	<i>Vulpes macrotis</i>	SE	Unlikely to occur. Range extends from Montrose to Grand Junction on the western slope of Colorado, not near the Project area.

Table 4:
State Listed Species and Their Likelihood of Occurrence Within the Project Area

Taxonomic Group	Common Name	Scientific Name	State Status	Likelihood of Occurrence within the Project Area ¹
	Lynx	<i>Lynx canadensis</i>	SE	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.
	Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	ST	Unlikely to occur. Project is located in the USFWS Preble's Meadow Jumping Mouse Block Clearance Zone. ⁸
	River Otter	<i>Lontra canadensis</i>	ST	Moderate potential to occur in riparian areas along the South Platte River.
	Wolverine	<i>Gulo</i>	SE	Unlikely to occur. Habitat includes tundra, taiga, boreal, and alpine biomes, which are not present in the Project area.

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

Common Name	Scientific Name	Season
American Bittern	<i>Botaurus lentiginosus</i>	Breeding
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Year-round
Black Rosy-finch	<i>Leucosticte atrata</i>	Year-round
Brewer's Sparrow	<i>Spizella breweri</i>	Breeding
Burrowing Owl	<i>Athene cunicularia</i>	Breeding
Dickcissel	<i>Spiza Americana</i>	Breeding
Ferruginous Hawk	<i>Buteo regalis</i>	Year-round
Golden Eagle	<i>Aquila chrysaetos</i>	Year-round
Lark Bunting	<i>Calamospiza melanocorys</i>	Breeding
Lewis's Woodpecker	<i>Melanerpes lewis</i>	Breeding
Loggerhead Shrike	<i>Lanius ludovicianus</i>	Breeding
Long-billed Curlew	<i>Numenius americanus</i>	Breeding
Mountain Plover	<i>Charadrius montanus</i>	Breeding
Peregrine Falcon	<i>Falco peregrinus</i>	Breeding
Prairie Falcon	<i>Falco mexicanus</i>	Year-round
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Breeding
Rufous Hummingbird	<i>Selasphorus rufus</i>	Migrating
Sage Thrasher	<i>Oreoscoptes montanus</i>	Breeding
Short-eared Owl	<i>Asio flammeus</i>	Wintering
Swainson's Hawk	<i>Buteo swainsoni</i>	Breeding
Virginia's Warbler	<i>Vermivora virginiae</i>	Breeding
Western Grebe	<i>Aechmophorus occidentalis</i>	Breeding
Williamson's Sapsucker	<i>Sphyrapicus thyrroides</i>	Breeding
Willow Flycatcher	<i>Empidonax traillii</i>	Breeding

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 nests 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

Common Name	Scientific Name	Notes
Russian knapweed	<i>Acroptilon repens</i>	Listed noxious weed
Crested wheatgrass	<i>Agropyron cristatum</i>	Introduced herbaceous species
Desert madwort	<i>Alyssum desertorum</i>	Introduced herbaceous species
Common ragweed	<i>Ambrosia artemisiifolia</i>	Native herbaceous species
Perennial ragweed	<i>Ambrosia psilostachya</i>	Native herbaceous species
Pricklypoppy	<i>Argemone hispida</i>	Native herbaceous species
Smooth brome	<i>Bromus inermis</i>	Introduced herbaceous species
Downy brome	<i>Bromus tectorum</i>	Listed noxious weed
Plumeless thistle	<i>Carduus acanthoides</i>	Listed Noxious weed
Musk thistle	<i>Carduus nutans</i>	Listed Noxious weed
Diffuse knapweed	<i>Centaurea diffusa</i>	Listed noxious weed
Lambs quarters	<i>Chenopodium album</i>	Introduced herbaceous species
Oakleaf goosefoot	<i>Chenopodium glaucum</i>	Introduced herbaceous species
Canada thistle	<i>Cirsium arvense</i>	Listed noxious weed

Table 6:
Vegetation Observed in the Project Area, July 6 and 7, 2017

Common Name	Scientific Name	Notes
Russian knapweed	<i>Acroptilon repens</i>	Listed noxious weed
Field bindweed	<i>Convolvulus arvensis</i>	Listed noxious weed
Horseweed	<i>Conyza canadensis</i>	Introduced herbaceous species
Barnyard grass	<i>Echinochola crus-gali</i>	Introduced grass
Russian olive	<i>Elaeagnus angustifolia</i>	Listed noxious weed
Slender wheatgrass	<i>Elymus trachycaulus</i>	Native herbaceous species
Annual wheatgrass	<i>Eremopyrum triticeum</i>	Introduced grass
Leafy spurge	<i>Euphorbia escula</i>	Listed noxious weed
Broomweed	<i>Gutierrezia sarothrae</i>	Native shrub
Hairy false goldeneaster	<i>Heterotheca villosa</i>	Native herbaceous species
Foxtail barley	<i>Hordeum jubatum</i>	Native herbaceous species
Baltic rush	<i>Juncus balticus</i>	Native herbaceous species
Kochia	<i>Kochia scoparia</i>	Native herbaceous species
Prickly lettuce	<i>Lactuca serriola</i>	Introduced herbaceous species
Clasping pepperweed	<i>Lepidium perfoliatum</i>	Introduced herbaceous species
Whitetop	<i>Lepidium draba</i>	Introduced herbaceous species
White horehound	<i>Marrubium vulgare</i>	Introduced herbaceous species
Scotch cottonthistle	<i>Onopordum acanthium</i>	Introduced herbaceous species
Reed canarygrass	<i>Phalaris arundinaceae</i>	Introduced herbaceous species
Annual rabbitsfoot grass	<i>Polypogon monspeliensis</i>	Introduced herbaceous species
Plains cottonwood	<i>Populus deltoides ssp. Monolifera</i>	Native tree
Curly dock	<i>Rumex crispus</i>	Introduced herbaceous species
Peach-leaf willow	<i>Salix amygdaloides</i>	Native tree
Coyote willow	<i>Salix exigua</i>	Native tree
Hardstem bulrush	<i>Schoenoplectus acutus</i>	Native herbaceous species
Common threesquare	<i>Schoenoplectus pungens</i>	Native herbaceous species
Tall tumbled mustard	<i>Sisymbrium altissimum</i>	Introduced herbaceous species
Buffalo-bur	<i>Solanum rostratum</i>	Introduced herbaceous species
Tamarisk	<i>Tamarix chinensis</i>	Introduced herbaceous species
Dandelion	<i>Taraxacum officinale</i>	Introduced herbaceous species
Narrowleaf cattail	<i>Typha angustifolia</i>	Introduced herbaceous species
Broad-leaf cattail	<i>Typha latifolia</i>	Introduced herbaceous species
American elm	<i>Ulmus americana</i>	Native tree
American speedwell	<i>Veronica americana</i>	Native herbaceous species

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:
Cover Type and Percent of Project area

Cover Type	Total Acreage in Study Area	Percent of Study Area	Dominant Species Present (Approximate Height of Species in Cover Type)
Forested Riparian floodplain	10.1	4.4	Plains cottonwood, peach-leaf willow, coyote willow (10-50 feet tall)
Mowed grassland	2.9	1.3	Poa sp. (3–6 inches tall)
Fallow corn field	30.3	13.3	Maize sp. (6–12 inches tall)
Invasive annual grassland	105.5	46.4	Slender wheatgrass, annual wheatgrass, smooth brome, downy brome, crested wheatgrass (6–36 inches tall)
Invasive annual/biannual forbland	64.3	28.3	Kochia, field bindweed, curly dock, lambs quarters (6–48 inches tall)
Riparian/herbaceous wetland	9.2	4.0	Narrowleaf cattail, broadleaf cattail, hardstem bulrush (3–8 feet tall)
Developed	4.9	2.2	N/A

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:
Relationship Between Vegetation Types and Soils types

NRCS Soil Type	Acreage in Project area	Percent of cover are in Project area	Cover type
Loamy alluvial land, gravelly substratum	103.5	45.5	Invasive annual/ biannual forbland
	11.1	4.9	Riparian/ herbaceous wetland
	4.9	0.21	Developed land
Loamy alluvial land, moderately wet	62.4	27.5	Riparian/ herbaceous wetland
	7.9	3.5	Invasive annual grassland
Sandy alluvial land	16.6	7.3	Riparian/ herbaceous wetland
Terrace escarpments	0.1	0.01	Riparian/ herbaceous wetland
Water	5.8	2.8	Forested riparian floodplain
Wet alluvial land	0.4	0.2	Fallow corn field
	14.4	6.3	Riparian/ herbaceous wetland

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

Weed List (A, B, or C) ¹	Common Name	Scientific Name	State Management Policy
List A Weeds	None observed.	—	—
List B Weeds	Scotch cottonthistle	<i>Onopordum acanthium</i>	Contain: Figure 20.01
	Russian-olive	<i>Elaeagnus angustifolia</i>	Eliminate by 2022
	Musk thistle	<i>Carduus nutans</i>	Eliminate by 2022
List C Weeds	Russian knapweed	<i>Acroptilon repens</i>	Contain: Figure 14.01
	Downy brome	<i>Bromus tectorum</i>	Control up to landowners' discretion
	Field bindweed	<i>Convolvulus arvensis</i>	Control up to landowners' discretion

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 10:
Mitigation Measures For State-Listed Species With Potential To Occur in the Project Area

Common Name	Scientific Name (Release)	Status	Mitigation Measures
Burrowing Owl	<i>Athene cunicularia</i>	ST	Pre-construction surveys for burrowing owls according to CPW-recommended survey protocol would be conducted in these locations if

Table 10:

Mitigation Measures For State-Listed Species With Potential To Occur in the Project Area

Common Name	Scientific Name (Release)	Status	Mitigation Measures
			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
Brassy minnow	<i>Hybognathus hankinsoni</i>	ST	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.
Plains Minnow	<i>Hybognathus placitus</i>	SE	
Suckermouth Minnow	<i>Phenacobius mirabilis</i>	SE	
River Otter	<i>Lontra canadensis</i>	ST	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.

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

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Tuscon South Mine Project

Figure 1 Wildlife

Adams County, CO
September 2017

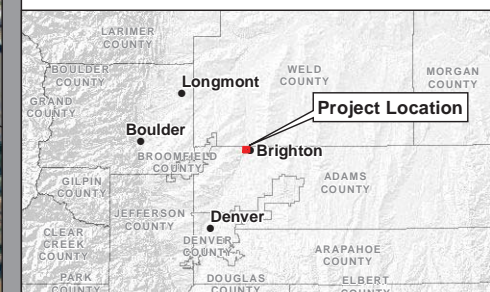


Legend

- Project Area
- Field Mapped Features**
- Potential Nest
- Potential Prairie Dog Colony
- (NHD) Hydrology**
- Perennial Stream
- - - Intermittent Stream
- · - · - Canal/Ditch
- Transportation**
- State Highway



0 250 500 Feet
Scale is 1:2,600 when printed at 22x34"





















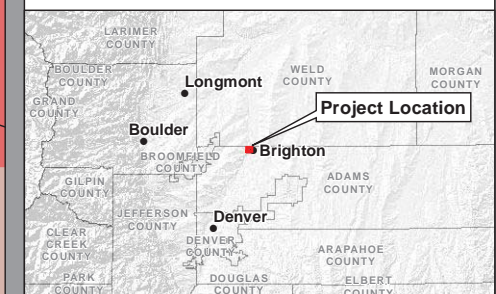
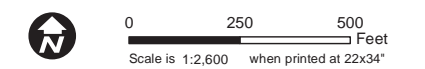
Tuscon South Mine Project

Figure 2 Desktop Analysis - Land Cover Results

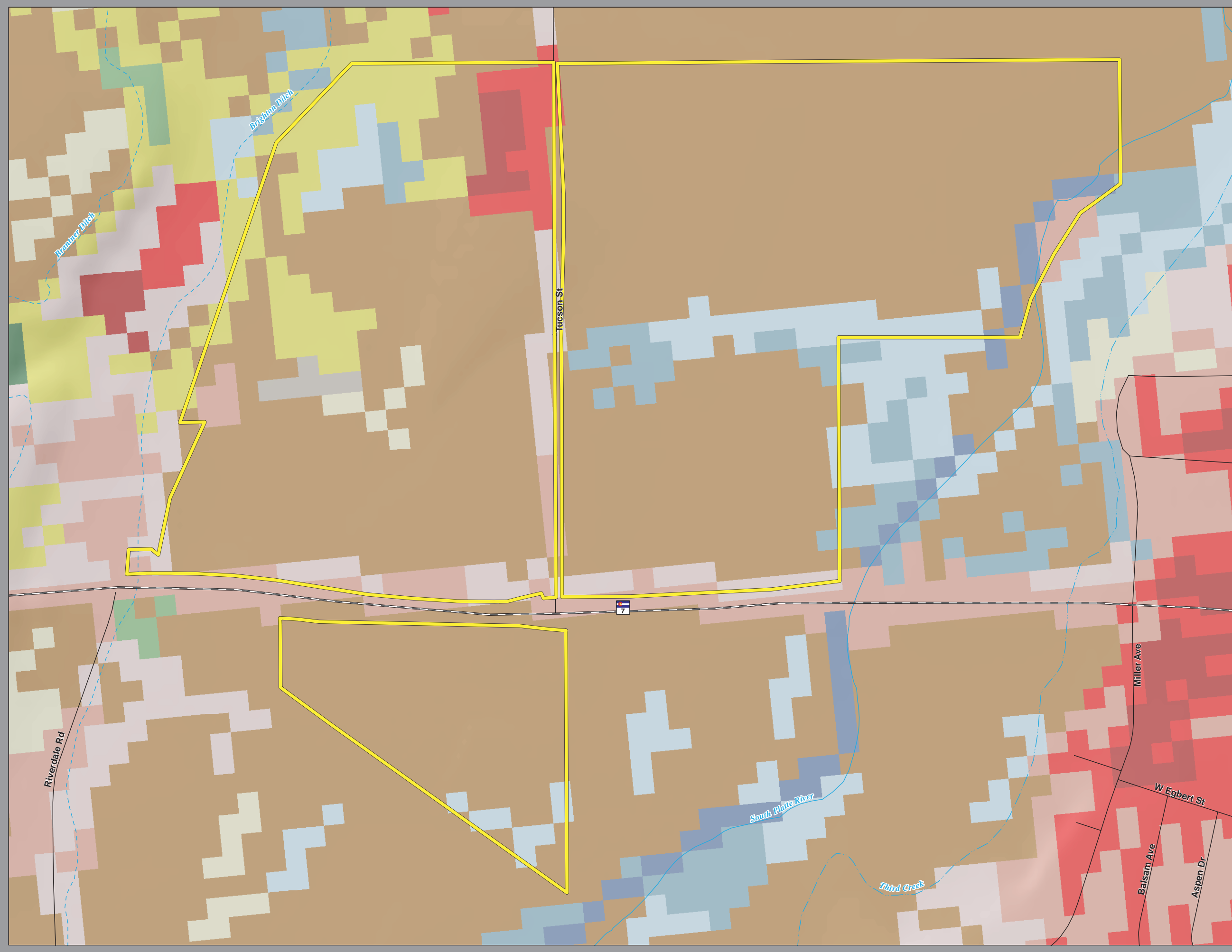
Adams County, CO
September 2017

Legend

-  Project Area
- NLCD Land Cover**
-  Open Water
-  Developed, Open Space
-  Developed, Low Intensity
-  Developed, Medium Intensity
-  Developed, High Intensity
-  Barren Land (Rock/Sand/Clay)
-  Deciduous Forest
-  Evergreen Forest
-  Grassland/Herbaceous
-  Pasture/Hay
-  Cultivated Crops
-  Woody Wetlands
-  Emergent Herbaceous Wetlands
- (NHD) Hydrology**
-  Perennial Stream
-  Intermittent Stream
-  Canal/Ditch
- Transportation**
-  State Highway



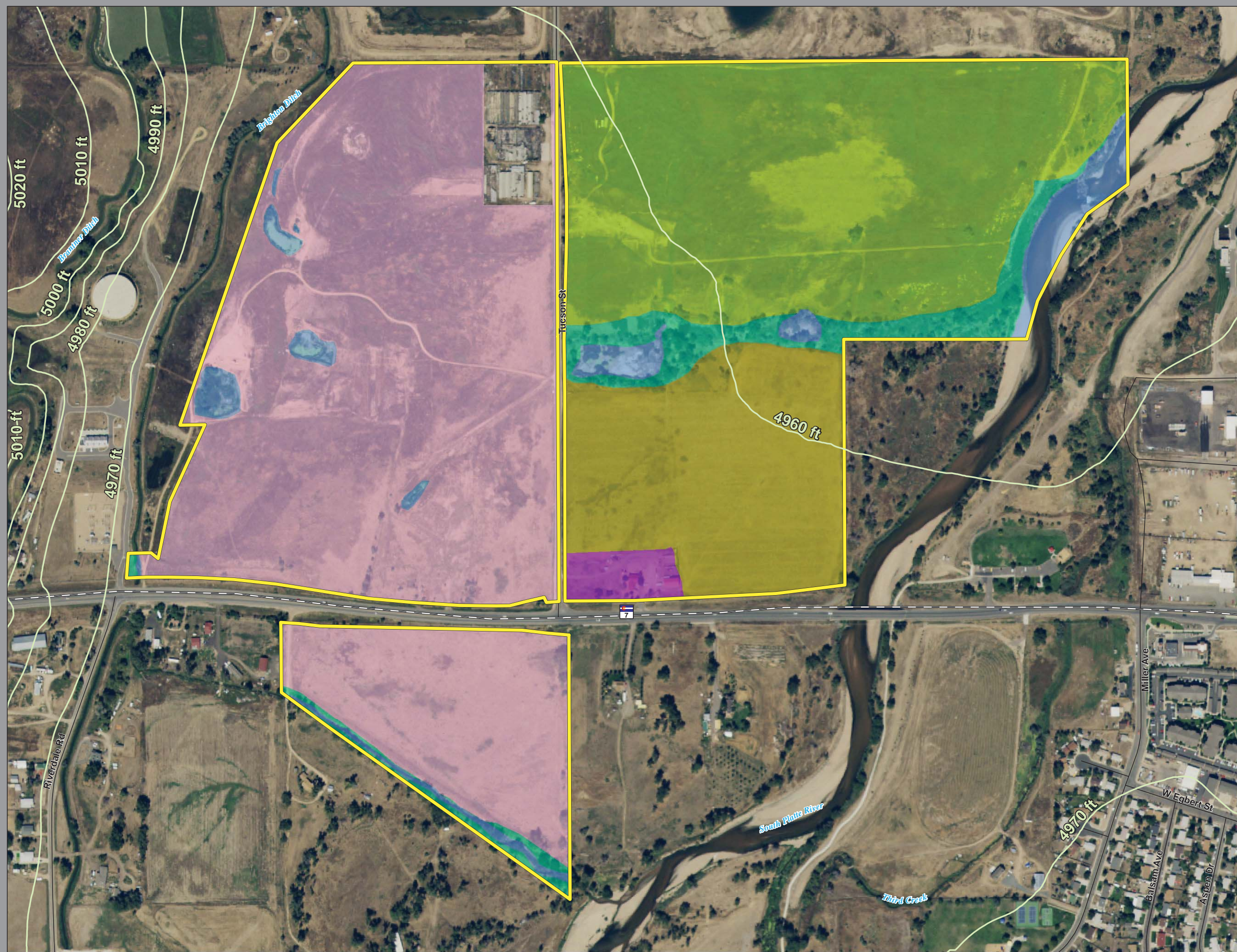
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Tuscon South Mine Project

Figure 3 Survey Results - Vegetation

Adams County, CO
September 2017



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

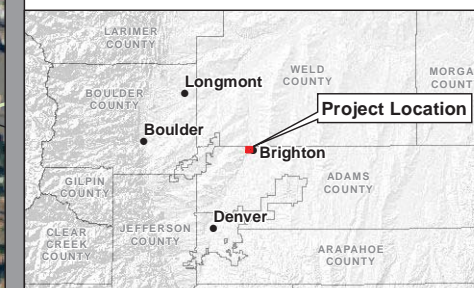
- Perennial Stream
- Intermittent Stream
- Canal/Ditch

Transportation

- State Highway
- Local Road



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










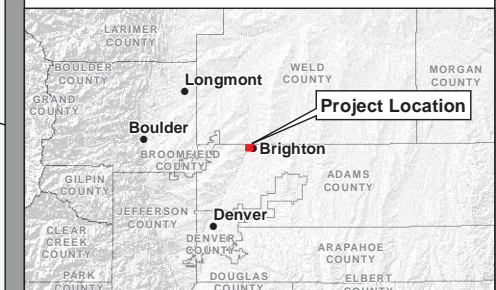
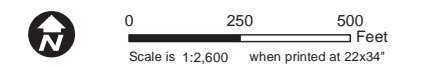
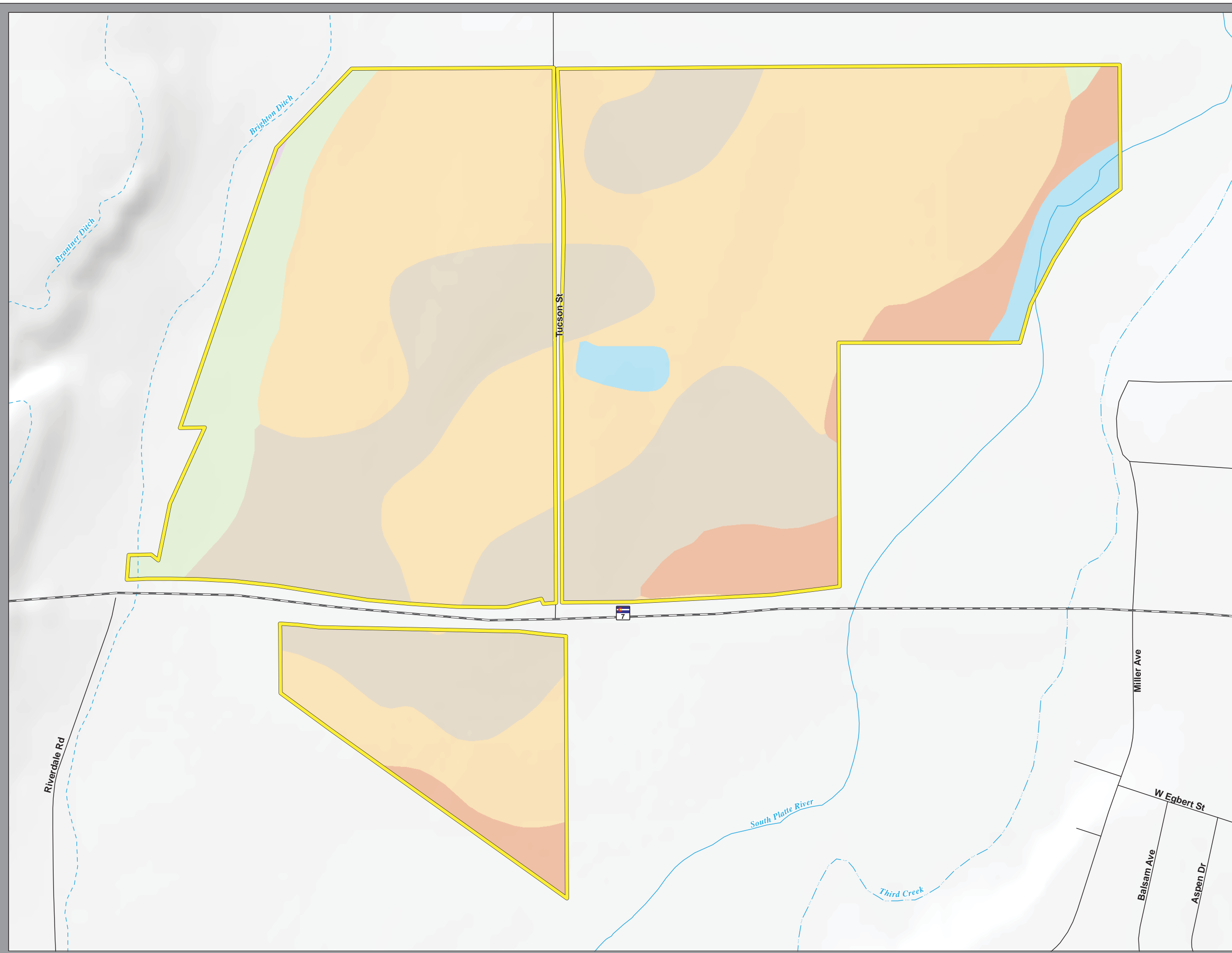
Tuscon South Mine Project

Figure 4 NRCS Soil Types

Adams County, CO
September 2017

Legend

-  Project Area
- 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



Attachment 1: Adams County Weed Plan

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STATE OF COLORADO)
COUNTY OF ADAMS)

At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the Administration Building in Brighton, Colorado on the 5th day of May, 2008 there were present:

Alice J. Nichol	_____	Chairman
Larry W. Pace	_____	Commissioner
W.R. Fischer	_____	Commissioner
Hal B. Warren	_____	County Attorney
Kristen Hood, Deputy	_____	Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

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 than 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)

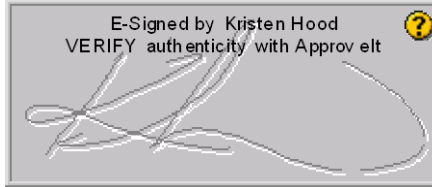
I, Karen Long, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in 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

Revised March 2008

Adams County Noxious Weed Management Plan

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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 Commissions.

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 aethiopsis*)
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 virgata*)

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 perforate*)
Scotch thistle, (*Onopordum acanthium*)
Scotch thistle, (*Onopordum tauricum*)
Spotted knapweed, (*Centaurea maculosa*)
Spurred anoda, (*Anoda cristata*)
Sulfer cinquefoil, (*Potentilla recta*)
Venice mallow, (*Hibiscus trionum*)
Wild caraway, (*Carum carvi*)
Yellow nutsedge, (*Cyperus esculentus*)
Yellow toadflax, (*Linaria vulgaris*)

3. State of Colorado C List Noxious Weeds

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 cupidatum*)
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.
9. Provide training for seasonal applicators.

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. Definitions¹

- (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

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 Provisions¹

- (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 Identification¹

(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 Lands²

- (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:

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.

(2) Public Lands¹

- (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 Consult¹

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 Response²

- (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.

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:

- (a) Copy of Notice of Hearing letter and certified mail receipt notifying landowner or occupant of Public Hearing (must be received by property owner not less than five (5) days prior to Public Hearing date);
- (b) Affidavit of Weed Office representative attesting to the following information:
 - (I) Weed Office inspected property and found the existence of noxious weeds;
 - (II) Notice of noxious weed infestation was sent via regular and certified U.S. mail to the landowner or occupant in accordance with C.R.S. §35-5.5-109(3);
 - (III) Landowner or occupant failed to respond and/or comply with the terms of the notice letter within a reasonable time;
 - (IV) Landowner or occupant submitted a timely request for public hearing;
 - (IV) Entry onto the landowners or occupants property is necessary to prevent the spread of the noxious weed.

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. Restrictions¹

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. General²

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 Collection³

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)

- (1) The local governing body is entitled to assess the whole cost thereof, including up to twenty (20) percent for inspection and other incidental costs in connection therewith, upon the lot or tract of land where the noxious weeds are located.
- (2) Such assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.
- (3) Such assessment may be certified to the county treasurer of the County to be collected in the same manner as provided for the collection of taxes.
- (4) Any funds collected shall be deposited in the local governing body's weed fund or any similar fund.

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. Limitations¹

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:

(<http://198.187.128.12/colorado/lpext.dll/Infobase4/1/56169/563f6/56651?f=templates&fn=fs-main-doc.htm&q=Colorado%20Noxious%20Weed%20Act&x=Advanced&2.0#LPHit1>)

8CCR1206-2

Part 1 Definitions

- 1.1. "Act" means the Colorado Noxious Weed Act, § § 35-5.5-101 through 119, C.R.S. (2003). *Eff 07/01/2007*
- 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 aethiopsis*) *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. State Noxious Weed Management Plans for List A Noxious Weed Species *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*

Part 4 List B Noxious Weed Species

4.1. List B of the Colorado noxious weed list comprises the following noxious weed species: *Eff 07/01/2007*

Absinth wormwood (*Artemisia absinthium*) *Eff 07/01/2007*
Black henbane (*Hyoscyamus niger*) *Eff 07/01/2007*
Bouncingbet (*Saponaria officinalis*) *Eff 07/01/2007*
Bull thistle (*Cirsium vulgare*) *Eff 07/01/2007*
Canada thistle (*Cirsium arvense*) *Eff 07/01/2007*
Chinese clematis (*Clematis orientalis*) *Eff 07/01/2007*
Common tansy (*Tanacetum vulgare*) *Eff 07/01/2007*
Common teasel (*Dipsacus fullonum*) *Eff 07/01/2007*
Corn chamomile (*Anthemis arvensis*) *Eff 07/01/2007*
Cutleaf teasel (*Dipsacus laciniatus*) *Eff 07/01/2007*
Dalmatian toadflax, broad-leaved (*Linaria dalmatica*) *Eff 07/01/2007*
Dalmatian toadflax, narrow-leaved (*Linaria genistifolia*) *Eff 07/01/2007*
Dame's rocket (*Hesperis matronalis*) *Eff 07/01/2007*
Diffuse knapweed (*Centaurea diffusa*) *Eff 07/01/2007*
Eurasian watermilfoil (*Myriophyllum spicatum*) *Eff 07/01/2007*
Hoary cress (*Cardaria draba*) *Eff 07/01/2007*
Houndstongue (*Cynoglossum officinale*) *Eff 07/01/2007*
Leafy spurge (*Euphorbia esula*) *Eff 07/01/2007*
Mayweed chamomile (*Anthemis cotula*) *Eff 07/01/2007*
Moth mullein (*Verbascum blattaria*) *Eff 07/01/2007*
Musk thistle (*Carduus nutans*) *Eff 07/01/2007*
Oxeye daisy (*Chrysanthemum leucanthemum*) *Eff 07/01/2007*
Perennial pepperweed (*Lepidium latifolium*) *Eff 07/01/2007*
Plumeless thistle (*Carduus acanthoides*) *Eff 07/01/2007*
Quackgrass (*Elytrigia repens*) *Eff 07/01/2007*
Redstem filaree (*Erodium cicutarium*) *Eff 07/01/2007*
Russian knapweed (*Acroptilon repens*) *Eff 07/01/2007*
Russian-olive (*Elaeagnus angustifolia*) *Eff 07/01/2007*

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. *Eff 07/01/2007*

6.4. The Commissioner will grant or deny a petition within fifteen business days of receiving it. *Eff 07/01/2007*

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. *Eff 07/01/2007*

Part 7 Statements of Basis, Specific Statutory Authority and Purpose

7.1. February 11, 2004 – Effective May 3, 2004

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). *Eff 07/01/2007*

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. *Eff 07/01/2007*

Factual and Policy Issues

The factual and policy issues encountered in the proposal of these permanent rules are as follows: *Eff 07/01/2007*

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. *Eff 07/01/2007*
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. *Eff 07/01/2007*
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. *Eff 07/01/2007*
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. *Eff 07/01/2007*

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. *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. *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. *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. *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. *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. *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. *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. *Eff 07/01/2007*

7.2. March 4, 2005 – Effective May 2, 2005

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). *Eff 07/01/2007*

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. *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. It is necessary to periodically adjust the state noxious weed list to address emerging plant pest threats as they become known to the state. *Eff 07/01/2007*
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. *Eff 07/01/2007*
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. *Eff 07/01/2007*
4. 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*

7.3. 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). *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 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. *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*

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*

Attachment 2: USFWS IPaC

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IPaC**U.S. Fish & Wildlife Service**

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

Colorado Ecological Services Field Office

☎ (303) 236-4773

📠 (303) 236-4005

MAILING ADDRESS

Denver Federal Center

P.O. Box 25486

Denver, CO 80225-0486

PHYSICAL ADDRESS

134 Union Boulevard, Suite 670

Lakewood, CO 80228-1807

<http://www.fws.gov/coloradoES>

<http://www.fws.gov/platteriver>

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

¹ 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

NAME	STATUS
Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i>	Threatened
<p>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</p>	

Birds

NAME	STATUS
Least Tern <i>Sterna antillarum</i>	Endangered
<p>This species only needs to be considered if the following condition applies:</p> <ul style="list-style-type: none"> • Water-related activities/use in the N. Platte, S. Platte and Laramie River Basins may affect listed species in Nebraska. <p>No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8505</p>	

Mexican Spotted Owl *Strix occidentalis lucida* **Threatened**
 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>

Piping Plover *Charadrius melodus* **Threatened**
 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>

Whooping Crane *Grus americana* **Endangered**
 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>

Fishes

NAME

STATUS

Pallid Sturgeon *Scaphirhynchus albus* **Endangered**
 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>

Flowering Plants

NAME	STATUS
Colorado Butterfly Plant <i>Gaura neomexicana</i> var. <i>coloradensis</i> There is a final critical habitat designated for this species. Your location is outside the designated critical habitat. https://ecos.fws.gov/ecp/species/6110	Threatened
Ute Ladies'-tresses <i>Spiranthes diluvialis</i> No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2159	Threatened
Western Prairie Fringed Orchid <i>Platanthera praeclara</i> This species only needs to be considered if the following condition applies: <ul style="list-style-type: none"> • 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	Threatened

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 Act².

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

3. 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.

1. The [Migratory Birds Treaty Act](#) of 1918.
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:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data <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.

NAME	SEASON(S)
American Bittern <i>Botaurus lentiginosus</i> https://ecos.fws.gov/ecp/species/6582	Breeding
Bald Eagle <i>Haliaeetus leucocephalus</i> https://ecos.fws.gov/ecp/species/1626	Year-round

Black Rosy-finch <i>Leucosticte atrata</i> https://ecos.fws.gov/ecp/species/9460	Year-round
Brewer's Sparrow <i>Spizella breweri</i> https://ecos.fws.gov/ecp/species/9291	Breeding
Burrowing Owl <i>Athene cunicularia</i> https://ecos.fws.gov/ecp/species/9737	Breeding
Dickcissel <i>Spiza americana</i>	Breeding
Ferruginous Hawk <i>Buteo regalis</i> https://ecos.fws.gov/ecp/species/6038	Year-round
Golden Eagle <i>Aquila chrysaetos</i> https://ecos.fws.gov/ecp/species/1680	Year-round
Lark Bunting <i>Calamospiza melanocorys</i>	Breeding
Lewis's Woodpecker <i>Melanerpes lewis</i> https://ecos.fws.gov/ecp/species/9408	Breeding
Loggerhead Shrike <i>Lanius ludovicianus</i> https://ecos.fws.gov/ecp/species/8833	Breeding
Long-billed Curlew <i>Numenius americanus</i> https://ecos.fws.gov/ecp/species/5511	Breeding
Mountain Plover <i>Charadrius montanus</i> https://ecos.fws.gov/ecp/species/3638	Breeding
Peregrine Falcon <i>Falco peregrinus</i> https://ecos.fws.gov/ecp/species/8831	Breeding
Prairie Falcon <i>Falco mexicanus</i> https://ecos.fws.gov/ecp/species/4736	Year-round

Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Breeding
Rufous Hummingbird	<i>selasphorus rufus</i> https://ecos.fws.gov/ecp/species/8002	Migrating
Sage Thrasher	<i>Oreoscoptes montanus</i> https://ecos.fws.gov/ecp/species/9433	Breeding
Short-eared Owl	<i>Asio flammeus</i> https://ecos.fws.gov/ecp/species/9295	Wintering
Swainson's Hawk	<i>Buteo swainsoni</i> https://ecos.fws.gov/ecp/species/1098	Breeding
Virginia's Warbler	<i>Vermivora virginiae</i> https://ecos.fws.gov/ecp/species/9441	Breeding
Western Grebe	<i>aechmophorus occidentalis</i> https://ecos.fws.gov/ecp/species/6743	Breeding
Williamson's Sapsucker	<i>Sphyrapicus thyroideus</i> https://ecos.fws.gov/ecp/species/8832	Breeding
Willow Flycatcher	<i>Empidonax traillii</i> https://ecos.fws.gov/ecp/species/3482	Breeding

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. NOAA/NCCOS 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 NOAA/NCCOS models: the models were developed as part of the NOAA/NCCOS 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 "Histogram 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](#). 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 NOAAANCCOS [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project](#) webpage.

Facilities

Wildlife refuges

Any activity proposed on [National Wildlife Refuge](#) 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](#) 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.

Not for
consultation

Tucson South Weed Management Plan

Monitoring

The presence of noxious weeds and plant pests will be monitored annually, at which time weed control efforts will be initiated as necessary. Management measures will be undertaken where noxious weed species or plant pests show a deleterious effect to the live vegetation cover in the mining/reclamation area as determined by observations of a vegetation or weed control specialist.

Control Measures

Aggregate implements integrated weed management plans that includes mowing, spot application treatments and seeding with native grass species per the approved reclamation plan. Aggregate will not blanket herbicide treat topsoil. Herbicide application is limited only to those areas that require targeted treatment based on an evaluation from a Colorado commercial licensed applicator. Aggregate 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.

Aggregate 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. When it is determined that noxious weed control measures hurt the remaining vegetation, seeding will occur during the first normal seeding season after weed control measures have been implemented and deemed successful.

Aggregate will sample soil to determine if any amendments such as certified compost are appropriate for successful revegetation.

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 landowner.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

July 23, 2019

Christine Felz
Aggregate Industries, Inc.
1687 Cole Boulevard, Suite 300
Golden, Colorado 80401

**RE: Approved Jurisdictional Determination for Tucson South Sand and Gravel Mine Project, Adams County, Colorado
Corps File No. NWO-2004-80251-DEN**

Dear Ms. Felz:

Reference is made to the above-mentioned project located at an approximate latitude of 39.990135, longitude of -104.837360 in Sections 1 and 12, Township 1 south, Range 67 west, in Adams County, Colorado. This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the U.S.

An approved jurisdictional determination (JD) has been completed for this project. The JD is attached to this letter. If you are not in agreement with the JD decision, you may request an administrative appeal under regulation 33 CFR 331, by using the attached Appeal Form and Administrative Appeal Process form. The request for appeal must be received within 60 days from the date of this letter. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal if you do not object to the JD.

The South Platte River is determined to be a Traditional Navigable Waterway. Therefore, is a jurisdictional water of the U.S.

The following aquatic resources are determined to be Excluded Waters, as detailed on the attached Approved Jurisdictional Determination Form, dated July 23, 2019. Therefore, these resources are not considered to be jurisdictional Waters of the U.S.:

- TM- A08-STR01 (Unnamed Ditch)
- TM-A17-STR01 (Unnamed Ditch)
- TM-A25-STR01 (Unnamed Ditch)
- TM-A18-STR01 (Brighton Ditch)
- TM-A23-STR01 (Brighton Return)
- Wetland A4

- Wetland A6
- Wetland A10
- Wetland A11
- Wetland A12
- Wetland A13
- Wetland A14
- Wetland A16
- TM-A15-Pond-01
- DT-Pond-02

Based on the information provided, a Department of the Army (DA) Permit will not be required for work in the areas identified as non-jurisdictional waters of the U.S. Although a DA Permit will not be required, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

This JD is valid for a period of five years from the date of this letter, unless new information warrants revisions of the JDs before the expiration date, or unless the Corps has identified, after a possible public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

If there are any questions please feel free to contact Brooke Davis at (303) 979-4120 or by e-mail at Brooke.A.Davis@usace.army.mil, and reference **Corps File No. NWO-2004-80251-DEN**.

Sincerely,



Kiel Downing
Chief, Denver Regulatory Office

Enclosures:

Figure 2, Wetland Delineation Results Map

Interim Approved Jurisdictional Determination Form (July 23, 2019)

Administrative Appeal Process for Approved Jurisdictional Determinations



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Regulatory Program



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APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): July 23, 2019

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): NWO-2004-80521-DEN

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Colorado County/parish/borough: Adams City:

Center coordinates of site (lat/long in degree decimal format): Lat. 39.990135, Long. -104.837360

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: attached in report/map titled *Request for Approved Jurisdictional Determination and Preconstruction Notification*, prepared by Tetra Tech, dated May 2019.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1):

D. REVIEW PERFORMED FOR SITE EVALUATION:

Office (Desk) Determination Only. Date:

Office (Desk) and Field Determination. Office/Desk Date(s): 06/27/2019 Field Date(s): 06/25/2019.

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: *Request for Approved Jurisdictional Determination and Preconstruction Notification*, prepared by Tetra Tech, dated May 2019.

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report. Title/Date: *Request for Approved Jurisdictional Determination and Preconstruction Notification*, prepared by Tetra Tech, dated May 2019.

Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: Revised Title/Date:

Data sheets prepared by the Corps. Title/Date:

Corps navigable waters study. Title/Date:

CorpsMap ORM map layers. Title/Date:

USGS Hydrologic Atlas. Title/Date:

USGS, NHD, or WBD data/maps. Title/Date:

USGS 8, 10 and/or 12 digit HUC maps. HUC number: HUC8: 10190004; South Platte.

USGS maps. Scale & quad name and date: 1:24,000 Brighton, Colorado.

USDA NRCS Soil Survey. Citation:

USFWS National Wetlands Inventory maps. Citation:

State/Local wetland inventory maps. Citation:

FEMA/FIRM maps. Citation:

Photographs: Aerial. Citation: Google Earth: 1999, 2002, 2008, 2011, and 2018. or Other. Citation:

LiDAR data/maps. Citation:

Previous determinations. File no. and date of jurisdictional determination letter:

Applicable/supporting case law:

Applicable/supporting scientific literature:

Other information (please specify):

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab "Aquatic Resources" – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required:**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab "(a)(1)" - Required**

This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab "(a)(2)" - Required**

(a)(3): The territorial seas.

- **Complete Spreadsheet Tab "(a)(3)" - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(4)" - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(5)" - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab "(a)(6)" - Required**

Bordering/Contiguous.

Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(7)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(8)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

The review area is comprised entirely of dry land.

- Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.
- **Complete Spreadsheet Tab “NonWaters-No SigNex”. Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**
- Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.
- Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):
- **Complete Spreadsheet Tab “NonWaters-Excluded” - Required**
- (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
- (b)(2): Prior converted cropland.
- (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
- (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
- (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
- (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
- (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
- (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.¹
- (b)(4)(iv): Small ornamental waters created in dry land.¹
- (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
- (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.¹
- (b)(4)(vii): Puddles.¹
- (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.¹
- (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.¹
- (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.
- Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).
- **Complete Spreadsheet Tab “NonWaters-Other” - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD:

¹ In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

Jurisdictional Waters of the U.S.

Table 1. (a)(1) Traditional Navigable Waters

(a)(1) Waters Name	(a)(1) Criteria	Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.
South Platte River	Waters have historically, are currently, and/or are susceptible for commercial navigation, including commercial waterborne recreation.	The South Platte River has previously been determined as a TNW by the Denver Regulatory Office due to the commercial commerce within Colorado and Nebraska.

Table 2. (a)(2) Interstate Waters

(a)(2) Waters Name	Rationale to Support (a)(2) Designation
N/A	N/A

Table 3. (a)(3) Territorial Seas

(a)(3) Waters Name	Rationale to Support (a)(3) Designation
N/A	N/A

Table 4. (a)(4) Impoundments

(a)(4) Waters Name	Rationale to Support (a)(4) Designation
N/A	N/A
N/A	N/A

Table 5. (a)(5) Tributaries

(a)(5) Waters Name	Flow Regime	(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows	Tributary Breaks	Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A
N/A	Choose an item.	N/A	Choose an item.	N/A

Table 6. (a)(6) Adjacent Waters

(a)(6) Waters Name	(a)(1)-(a)(5) Water Name to which this Water is Adjacent	Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Table 7. (a)(7) Waters

SPOE Name	(a)(7) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 8. (a)(8) Waters

SPOE Name	(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus	Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Non-Jurisdictional Waters

Table 9. Non-Waters/No Significant Nexus

SPOE Name	Non-(a)(7)/(a)(8) Waters Name	(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus	Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

Table 10. Non-Waters/Excluded Waters and Features

Paragraph (b) Excluded Feature/Water Name	Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.
TM- A08-STR01 (Unnamed Ditch)	Excluded water (b)(3)(i) – This resource is a ditch that only flows ephemeral and is not a relocated tributary or excavated in a tributary.
TM-A17-STR01 (Unnamed Ditch)	Excluded water (b)(3)(i) – This resource is a ditch that only flows ephemeral and is not a relocated tributary or excavated in a tributary.
TM-A25-STR01 (Unnamed Ditch)	Excluded water (b)(3)(i) – This resource is a ditch that only flows ephemeral and is not a relocated tributary or excavated in a tributary.
TM-A18-STR01 (Brighton Ditch)	Excluded water (b)(3)(ii) – This resource is a ditch that flows intermittently, is not a relocated tributary or excavated in a tributary, nor does it drain wetlands.
TM-A23-STR01 (Brighton Return)	Excluded water (b)(3)(ii) – This resource is a ditch that flows intermittently, is not a relocated tributary or excavated in a tributary, nor does it drain wetlands.
Wetland A4	Excluded water (b)(4)(ii) – This resource is an artificially constructed pond, created in dry land for the purpose of collecting irrigation water.
Wetland A6	Excluded water (b)(4)(ii) – This resource is an artificially constructed pond, created in dry land for the purpose of collecting irrigation water.
Wetland A10	Excluded water (b)(4)(v) – This resource is a water-filled pit; excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
Wetland A11	Excluded water (b)(4)(v) – This resource is a water-filled pit; excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
Wetland A12	Excluded water (b)(4)(v) – This resource is a water-filled pit; excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
Wetland A13	Excluded water (b)(4)(v) – This resource is a water-filled pit; excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
Wetland A14	Excluded water (b)(4)(v) – This resource is a water-filled pit; excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.

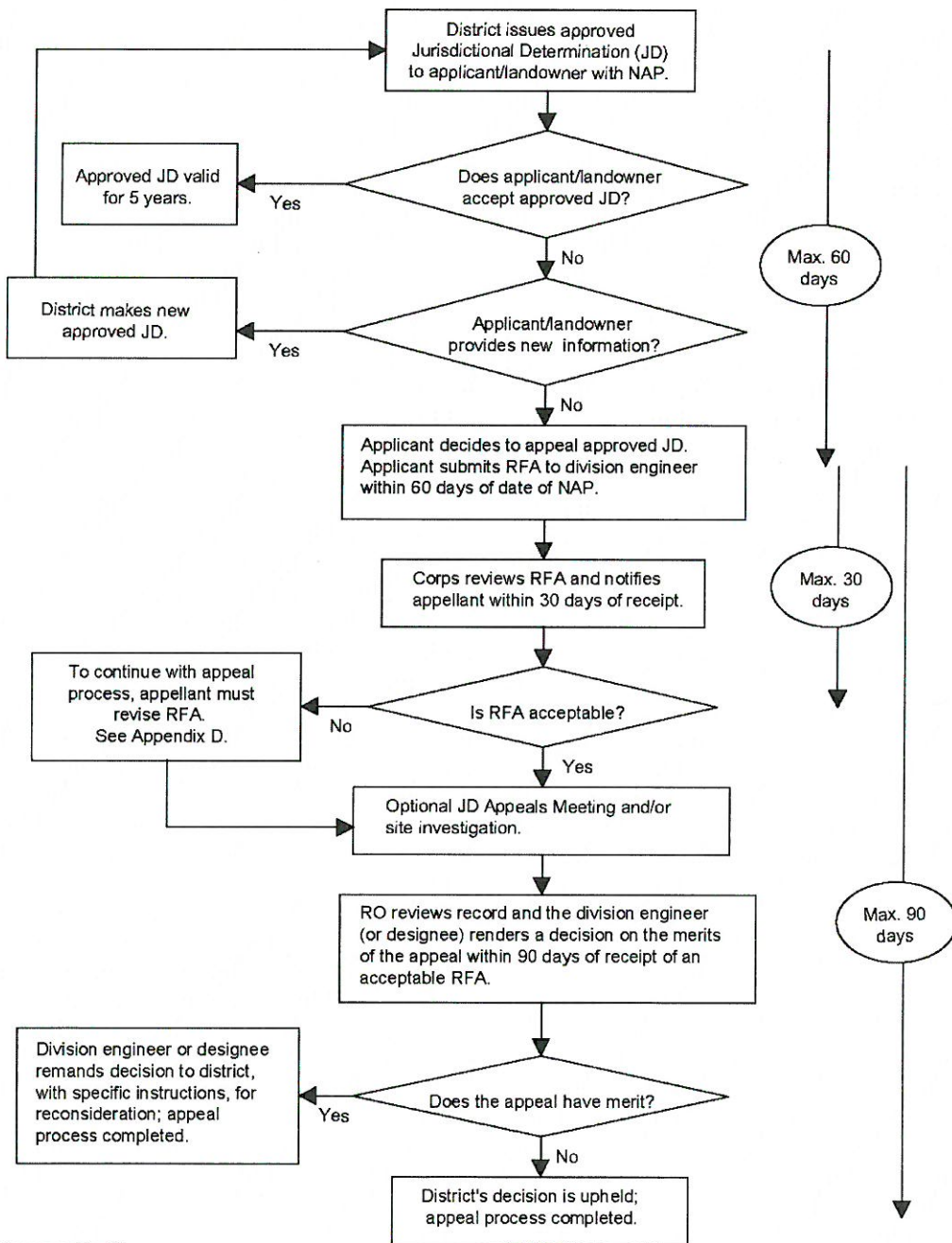
Wetland A16	Excluded water (b)(4)(v) – This resource is a water-filled pit, excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
TM-A15-Pond-01	Excluded water (b)(4)(v) – This resource is a water-filled pit, excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.
DT-Pond-02	Excluded water (b)(4)(v) – This resource is a water-filled pit, excavated in dry land for the purpose of obtaining fill, sand, or gravel incidental to mining.

Table 11. Non-Waters/Other

Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

Waters_Name	Cowardin Code	Amount	Units	Waters_Type	Latitude	Longitude	Local Waters
NWO-2004-80251-DEN DT-Pond-02	L1-LACUSTRINE, LIMNETIC	3.09	ACRES	EXCLDB4V	39.99505	-104.834	
NWO-2004-80251-DEN TM-A01-STR01 (South Platte River)	R5-RIVERINE, UNKNOWN PERENNIAL	3.79	ACRES	A1	39.99171	-104.829	
NWO-2004-80251-DEN TM-A08-STR01	R6-RIVERINE, EPHEMERAL	0.03	ACRES	EXCLDB3I	39.98925	-104.839	Unnamed
NWO-2004-80251-DEN TM-A15-Pond-01	L1-LACUSTRINE, LIMNETIC	0.61	ACRES	EXCLDB4V	39.99035	-104.842	
NWO-2004-80251-DEN TM-A17-STR01	R6-RIVERINE, EPHEMERAL	0.06	ACRES	EXCLDB3I	39.98734	-104.843	Unnamed
NWO-2004-80251-DEN TM-A18-STR01 (Brighton Ditch)	R4-RIVERINE, INTERMIT	1.29	ACRES	EXCLDB3II	39.98836	-104.844	
NWO-2004-80251-DEN TM-A23-STR01 (Brighton Return)	R4-RIVERINE, INTERMIT	0.96	ACRES	EXCLDB3II	39.98508	-104.84	
NWO-2004-80251-DEN TM-A25-STR01	R6-RIVERINE, EPHEMERAL	0.06	ACRES	EXCLDB3I	39.98752	-104.844	Unnamed
NWO-2004-80251-DEN Wetland A10	PFO-PALUSTRINE, FORESTED	0.76	ACRES	EXCLDB4V	39.98888	-104.844	
NWO-2004-80251-DEN Wetland A11	PEM-PALUSTRINE, EMERGENT	1	ACRES	EXCLDB4V	39.98979	-104.843	
NWO-2004-80251-DEN Wetland A12	PEM-PALUSTRINE, EMERGENT	0.47	ACRES	EXCLDB4V	39.9918	-104.842	
NWO-2004-80251-DEN Wetland A13	PEM-PALUSTRINE, EMERGENT	0.02	ACRES	EXCLDB4V	39.99205	-104.842	
NWO-2004-80251-DEN Wetland A14	PEM-PALUSTRINE, EMERGENT	0.06	ACRES	EXCLDB4V	39.99259	-104.842	
NWO-2004-80251-DEN Wetland A16	PEM-PALUSTRINE, EMERGENT	0.19	ACRES	EXCLDB4V	39.9885	-104.84	
NWO-2004-80251-DEN Wetland A4	PFO-PALUSTRINE, FORESTED	0.53	ACRES	EXCLDB4II	39.99056	-104.833	
NWO-2004-80251-DEN Wetland A6	PSS-PALUSTRINE, SCRUB-SHRUB	3.56	ACRES	EXCLDB4II	39.99065	-104.835	

Administrative Appeal Process for Approved Jurisdictional Determinations



Appendix C

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Aggregate Industries, Inc.		File Number: NWO-2004-80251-DEN	Date: 07/23/2019
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Kiel Downing
Denver Regulatory Office
9307 South Wadsworth Blvd.
Littleton, CO 80128
Kiel.G.Downing@usace.army.mil

If you only have questions regarding the appeal process you may also contact:

US Army Corps of Engineers, Northwestern Division
Attn: Melinda Larsen, Regulatory Appeals Officer
1201 NE Lloyd Blvd., Suite 400
Portland, OR 97232-1257 Telephone (503) 808-3888
Melinda.M.Larsen@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:









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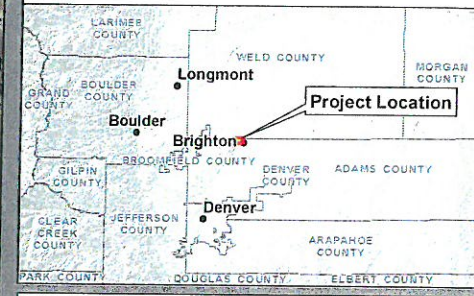
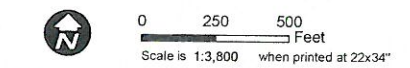
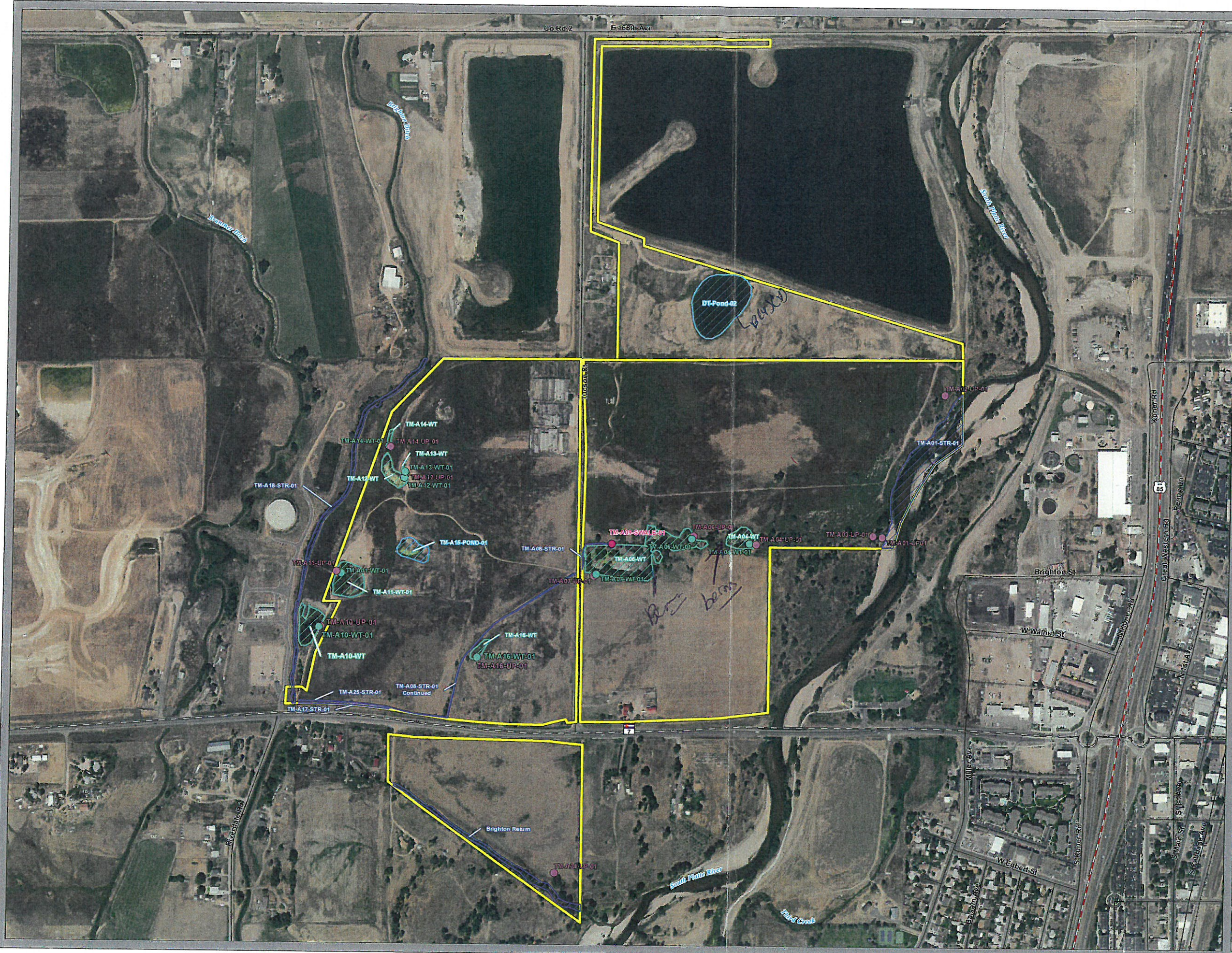
Tuscon South Mine Project

Figure 2 Wetland Delineation Results Map

Adams County, CO
February 2019

Legend

-  Project Area
- Sample Plots**
-  Swale
-  Upland Sample Plot
-  Wetland Sample Plot
- Field Delineated Features**
-  Pond
-  Stream
-  Wetland
- Transportation**
-  State Highway



Path: P:\0876 Tuscon South Mine\GIS\Layouts\Fig2 Wetland Delineation Results.mxd Last modified: 5/23/2019

Cultural Resource Inventory for the Tucson South Sand and Gravel Mine Project, Adams County, Colorado



September 2018

Prepared for: Aggregate Industries
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Prepared by: Tetra Tech, Inc.
350 Indiana Street, Suite 500
Golden, CO 80401



**Cultural Resource Inventory for the
Tucson South Sand and Gravel Mine Project
Adams County, Colorado**

By:
Stephen R. Anderson, RPA and Matthew Neff, RPA

Prepared for:
Aggregate Industries
1687 Cole Boulevard, Suite 300
Golden, CO 80401

Prepared by:
Tetra Tech, Inc.
350 Indiana Street, Suite 500
Golden, CO 80401

Colorado State Archaeological Permit No. 73895

September 2018

FOR OFFICIAL USE ONLY: Disclosure of site locations prohibited (43 CFR 7.18)
Information contained in this report is confidential and access to this information is restricted by the
National Historic Preservation Act of 1966 (as amended), the Archaeological Resources Protection
Act of 1979 (as amended), and Colorado Revised Statutes 24-72-203(1) and 24-80-405(2).

Abstract

This report is a summary of the cultural resource survey conducted from August 14, 2018 by Tetra Tech, Inc. (Tetra Tech) in support of the Aggregate Industries Tucson South Mine Project (the Project). This report is based on the geographic information system data of the US Army Corps of Engineers (USACE) wetlands data created August 10, 2018.

Tetra Tech conducted a cultural research desktop study on August 12, 2018 and an intensive-level cultural resource pedestrian survey of the Project area on August 14, 2018. The Project does not require federal or state funding or federal or state permitting at this time, therefore the Project is not subject to the National Historic Preservation Act Section 106 process. However, the Project may require a USACE Section 404 Permit, so a cultural resource investigation was conducted that meets the USACE requirements for a permit.

The pedestrian survey included approximately 67.2 acres along potential USACE wetland locations. The survey areas are based on a 400-foot wide buffer (200 feet either side) around any potential USACE jurisdictional wetland location. The survey was conducted on behalf of Aggregate Industries prior to ground disturbing activities at the Project location. The surveyed areas consisted of privately-owned lands potentially subject to a USACE 404 permit. The cultural resources research study included a site file search of the Colorado Office of Archaeology and Historic Preservation records, U.S. Bureau of Land Management General Land Office plats and historical maps, and a search of the National Register of Historic Places properties within 0.5 mile of the Project area in Adams County. The pedestrian survey was conducted in portions of the following quadrangles:

- Sections 1 and 12, Township 1S, Range 67W, Principal Meridian 6, on the U.S. Geological Survey 7.5' Brighton (1994) quadrangle.

Four new cultural resources were identified and recorded as a result of the pedestrian survey. The four new cultural resources consist of three unnamed ditch segments (5AM.3866.1, 5AM.3867.1, 5AM.3868.1) and an isolated historic piece of farm machinery (5AM.3869).


Tables ES-1 and ES-2 below comprise the required survey and inventory forms that are required by the Colorado Office of Archaeology and Historic Preservation.

**Table ES-1:
Cultural Resource Survey Areas**

Colorado Office of Archaeology and Historic Preservation—Cultural Resource Survey Management Information

Please complete this form and attach a copy behind the Table of Contents of each survey report.													
Acres of Potential Effect/Project:				~227.2				Acres Surveyed:				~67.2	
Legal Location of Project (add additional pages if necessary)													
Principal Meridian: 6th						Quad. map date(s): 1994							
Quad Map(s) Names: Brighton quadrangles													
Township	1S	Range:	67W	Sec.:	1	1/4s			W½	NE		SW	
Township	1S	Range:	67W	Sec.:	1	1/4s			E½	SW		SW	
Township	1S	Range:	67W	Sec.:	1	1/4s			N½	SE		SW	
Township	1S	Range:	67W	Sec.:	1	1/4s			SW	SE		SW	
Township	1S	Range:	67W	Sec.:	1	1/4s			S½	NW		SE	
Township	1S	Range:	67W	Sec.:	1	1/4s			N½	SW		SE	
Township	1S	Range:	67W	Sec.:	12	1/4s			NW	NE		NW	
Township	1S	Range:	67W	Sec.:	12	1/4s	NE		SW	NE		NW	
Township	1S	Range:	67W	Sec.:	12	1/4s			SE	NE		NW	
Township	1S	Range:	67W	Sec.:	12	1/4s	SW		NE	NE		NW	

**Table ES-2:
Newly Recorded Site Information**

Smithsonian Number	Resource Type				Eligibility				Recommendation				
	Prehistoric	Historic	Paleontological	Multi component	Eligible	Not Eligible	Need Data	Contributes to National Register District	No Further Action	Avoid	Monitor	Test	Excavate
5AM.3866.1		X					X			X			
5AM.3867.1		X				X			X				
5AM.3868.1		X				X			X				
5AM.3869 (IF)		X				X			X				
Total Sites:	0	4	0	0	0	3	1	0	3	1	0	0	0
The Project Area = 227.2 acres Areas surveyed = 67.2 acres Principal Meridian, Township, Range, Sections - 6 th PM: Sections 1 and 12, Township 1S, Range 67W Quad. Name and date(s): Brighton (1994) quadrangles													
Principal Investigator Name: Stephen R. Anderson, RPA													
Principal Investigator's Signature: 													

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1. Introduction

This report is a summary of the cultural resource survey conducted from August 14, 2018 by Tetra Tech, Inc. (Tetra Tech) in support of the Aggregate Industries Tucson South Mine Project (the Project). This report is based on the geographic information system data of the US Army Corps of Engineers (USACE) wetlands data created August 10, 2018.

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The pedestrian survey included approximately 67.2 acres along potential USACE wetland locations. The survey areas are based on a 400-foot wide buffer (200 feet either side) around any potential USACE jurisdictional wetland location. The survey was conducted on behalf of Aggregate Industries prior to ground disturbing activities at the Project location. The surveyed areas consisted of privately-owned lands potentially subject to a USACE 404 permit. The cultural resources research study included a site file search of the Colorado Office of Archaeology and Historic Preservation (OAHP) records, U.S. Bureau of Land Management General Land Office (GLO) plats and historical maps, and a search of the National Register of Historic Places (NRHP) properties within 0.5 miles of the Project area in Adams County. The pedestrian survey was conducted in portions of the following quadrangles:

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2. Environmental Setting

2.1 Physiography and Hydrology

The Project is located east of the base of the foothills and west of the eastern plains of Colorado, within the Colorado Piedmont section of the Great Plains Physiographic Province (Osterkamp and Gustavson 1987). The Colorado Piedmont is an area adjacent to the Front Range of the Rocky Mountains, which extends 50 to 100 miles eastward from the foothills. The topography within this area is characterized by level plains and rolling hills incised by drainages. Major relief generally occurs at the edges of the drainages. The elevation along the Project ranges from 5,000 to 5,010 feet above mean sea level.

The greatest changes in elevation within the Colorado Piedmont occur where the Platte River and its larger tributaries have cut through the deposits that form the Colorado Piedmont. The upper forks of the South Platte rise along the Continental Divide and in the mountains surrounding South Park in central Colorado. The forks flow generally to the northeast, converging in the foothills southwest of Denver to create the South Platte mainstream. The river descends the Front Range near Denver, flows through the city, and then follows a straight northerly course, traversing a lengthy segment of the Rocky Mountain Piedmont before heading east and exiting to the High Plains near Greeley. From Greeley, the river flows to the northeast, exiting Colorado in the northeastern corner of the state and converging with the North Platte River in west-central Nebraska. The Platte River continues on an easterly course across Nebraska, eventually joining the Missouri River near Omaha. The South Platte River in Colorado has an average daily flow of 1,000 cubic feet/second with occasional peak flows of 20,000 cubic feet/second (EPA 2001). The principal drainage within the Colorado Piedmont is the South Platte River which is located approximately 500 feet east of the Project. The other major drainage in proximity to the Project is Todd Creek which drains into the South Platte River approximately 3.700 feet southwest of the Project.

2.2 Climate

The climate of the Project area, as is typical of Colorado's eastern plains, is relatively uniform with low humidity, infrequent precipitation, moderate to high winds, and large daily and seasonal temperature fluctuations. Summers are generally hot and winters cold. Precipitation is generally low; much of the area experiences frequent droughts. However, summer thunderstorms can be intense, with as much as 4 inches of rain occurring in just a few hours. The Project Area's distance from major moisture sources (the Pacific Ocean and Gulf of Mexico) leads to low precipitation totals throughout the year. The rain shadow of the Rocky Mountains to the west limits the moisture derived from the dominant westerly wind movements, while winds from the north likewise carry little moisture. Most precipitation occurs as a result of the movement of moisture-laden southerly winds from the Gulf of Mexico with accumulations generally concentrated in the mid/late spring and summer months (Doesken et al. 2003).

At Brighton, Colorado, approximately 0.5 miles east of the Project, an average of 14.1 inches of precipitation is received annually. Violent thunderstorms occur periodically throughout the warmer months of the year. The yearly precipitation is concentrated from March to September, with the minimum levels occurring in October through April (Weatherbase 2018).

The main influence on temperature within the Project Area is the intensity of solar radiation, but periodic movements of warm and cold air masses are also important. As with precipitation the average daily temperature at the Project Area is relatively homogenous. At Brighton, the average annual temperature is 50.1 degrees Fahrenheit (° F) with an average high in July of 89.4° F and an average low in January of 14.6° F (Weatherbase 2018).

2.3 Geology and Geomorphology

The major geologic features in the Project Area are the Front Range Uplift to the west and the Denver–Julesburg Basin to the east. The Denver–Julesburg Basin covers 60,000 square miles in northeastern Colorado, southeastern Wyoming, and western Nebraska (Volk 1972). This asymmetric basin contains 13,000 feet of sedimentary rocks along its axis, which trends from Denver to Torrington, Wyoming. The sedimentary deposits within the Denver-Julesburg Basin range in age from Paleozoic to recent.

The Project overlies bedrock formations of Upper Cretaceous and Tertiary age, including the Pierre shale and Laramie formations. These formations consist of sedimentary rocks composed of sandstone, shale, and coal. The towns of Erie, Marshall, Dacono, and Superior, as well as the cities of Lafayette and Louisville, owe their origin to the mining of these formations coal deposits (Murphy 2007).

2.4 Biotic Setting

2.4.1 Flora

Native vegetation communities in the Project Area include short- and mid-grass prairie as well as riparian/wetland zones. The short- and mid-grass prairies form the original vegetation communities throughout most of the Project Area. The dominant grass species in these areas generally consist of western wheatgrass (*Pascopyrum smithii*), crested wheatgrass (*Agropyron cristatum*), buffalograss (*Bouteloua dactyloides*), Kentucky bluegrass (*Poa pratensis*), blue grama grass (*Bouteloua gracilis*), switchgrass (*Panicum virgatum*), sixweeks fescue (*Vulpia octoflora*), needle-and-thread grass (*Hesperostipa comata*), squirreltail (*Hordeum jubatum*), and red three-awn (*Aristida longiseta*). Cheatgrass, (*Bromus tectorum*) a non-native species, is also common. The prevailing forbs are prairie clover (*Dalea* spp.) and salsify (*Tragopogon* spp). Other forbs in the surrounding areas include common sunflower (*Helianthus annuus*), purple spiderwort (*Tradescantia rosea*), spotted bee balm (*Monarda punctata*), scarlet globemallow (*Sphaeralcea coccinea*), Indian blanket (*Gaillardia pulchella*), tansy mustard (*Descurainia pinnata brachycarpa*), wine cup (*Callirhoe involucrata*), greenthread (*Thelesperma* spp.), and western ragweed (*Ambrosia psilostachya*). Prickly pear (*Opuntia* spp.) and pincushion cactus (*Mammillaria* spp. or *Coryphantha* spp.), as well as yucca (*Yucca* spp.), are also present (Mutel and Emerick 1992).

In the riparian areas associated with the South Platte River tributaries, the dominant species is the plains cottonwood (*Populus deltoids occidentalis*), with lesser occurrences of peach-leaved willow (*Salix amygdaloides*). In association with these trees are shrubs of hawthorn (*Crataegus* spp.), American plum (*Prunus americana*), currant (*Ribes* spp.), snowberry (*Symphoricarpos* spp.), wild rose (*Rosa* spp.), and willows (*Salix* spp.). Grass species include saltgrass (*Distichlis spicata*) and sand dropseed (*Sporobolus cryptandrus*). In some areas, riparian communities have expanded because of introduced species that now include box elder (*Acer negundo*), American elm (*Ulmus americana*), Russian olive (*Elaeagnus*

angustifolia), green ash (*Fraxinus pennsylvanica*), and Tamarisk or salt cedar (*Tamarix* spp.) (Mutel and Emerick 1992).

2.4.2 Fauna

Wildlife species that may be present within the Project Area are typical of those found in the short- and mid-grass prairies and riparian zones of the Colorado plains. Big game species in this region include pronghorn antelope (*Antilocapra americana*), mule deer (*Odocoileus hemionus*), and white-tailed deer (*Odocoileus virginianus*). Pronghorn antelope inhabit grasslands and shrublands in flat to rolling topography, forage on shrubby plants, and band together in large herds during the winter months (Wood 1967). Abundant mule deer are also found in this region, but tend to reside among the shrublands along rough, broken terrain where forage and protective cover are plentiful. White-tailed deer tend to occupy riparian zones and nearby croplands where they feed on forbs, grasses, and cultivated crops (Fitzgerald et al. 1994). Small mammal species include desert cottontail (*Sylvilagus audubonii*), black-tailed jack rabbit (*Lepus californicus*), white-tailed jack rabbit (*Lepus townsendii*), black-tailed prairie dog (*Cynomys ludovicianus*), thirteen-lined ground squirrel (*Ictidomys tridecemlineatus*), plains pocket gopher (*Geomys bursarius*), plains pocket mouse (*Perognathus flavescens*), Preble's meadow jumping mouse (*Zapus hudsonius preblei*), beaver (*Castor* spp.), spotted skunk (*Spilogale putorius*), striped skunk (*Mephitis* sp.), porcupine (*Erethizontidae* spp.), raccoon (*Procyon lotor*), badger (*Arctonyx* spp.), coyote (*Canis latrans*), red fox (*Vulpes vulpes*), swift fox (*Vulpes velox*), and black-footed ferret (*Mustela nigripes*) (Burt and Grossenheider 1976). Bison were once abundant in this region, but they were exterminated in the late 19th century (Gilbert 1980:150).

Waterfowl species commonly inhabit and/or use the lakes, ponds, and creeks in this region. These waterfowl species consist of northern shoveler (*Anas clypeata*), northern pintail (*Anas acuta*), green-winged teal (*Anas carolinensis*), mallard (*Anas platyrhynchos*), and Canada goose (*Branta canadensis*). Potential migrants and winter residents include ruddy duck (*Oxyura jamaicensis*), American widgeon (*Anas americana*), bufflehead (*Bucephala albeola*), and gadwall (*Anas strepera*). Upland game birds include the lesser prairie chicken (*Tympanuchus pallidicinctus*), sharp-tailed grouse (*Tympanuchus phasianellus*), scaled quail (*Callipepla squamata*), mourning dove (*Zenaida macroura*), ring-necked pheasant (*Phasianus colchicus*), northern bobwhite (*Colinus virginianus*), and Rio Grande turkey (*Meleagris gallopavo intermedia*) (Peterson 1990).

Non-game birds in the region include raptors, wading and shore birds, and passerines. Raptors potentially occurring in the Project Area consist of bald eagle (*Haliaeetus leucocephalus*), golden eagle (*Aquila chrysaetos*), red-tailed hawk (*Buteo jamaicensis*), Swainson's hawk (*Buteo swainsoni*), ferruginous hawk (*Buteo regalis*), American kestrel (*Falco sparverius*), prairie falcon (*Falco mexicanus*), northern harrier (*Circus cyaneus*), and turkey vulture (*Cathartes aura*). Several species of owl, including burrowing owl (*Athene cunicularia*), barn owl (*Tyto alba*), great-horned owl (*Bubo virginianus*), and short-eared owl (*Asio flammeus*) are also prevalent in the region (Peterson 1990). Wading and shore birds are present along the major drainages and water bodies and consist of black-crowned night heron (*Nycticorax* sp.), great blue heron (*Ardea herodias*), killdeer (*Charadrius vociferus*), whooping crane (*Grus americana*), western snowy plover (*Charadrius nivosus*), piping plover (*Charadrius melodus*), mountain plover (*Charadrius montanus*), long-billed curlew (*Numenius americanus*), and least tern (*Sternula antillarum*). Significant passerine

species include horned lark (*Eremophila alpestris*), lark bunting (*Calamospiza melanocorys*), meadowlark (*Sturnella* sp.), and various sparrows (*Passer* spp.) (Andrews and Righter 1992; Brown 1989a).

Common amphibian and reptile species in the region include tiger salamander (*Ambystoma tigrinum*), Woodhouse's toad (*Bufo woodhousii*), northern leopard frog (*Rana pipiens*), northern cricket frog (*Acris crepitans*), painted turtle (*Chrysemys picta*), ornate box turtle (*Terrapene ornata ornata*), yellow mud turtle (*Kinosternon flavescens*), short-horned lizard (*Phrynosoma hernandesi*), prairie lizard (*Sceloporus undulatus*), bullsnake (*Pituophis catenifer sayi*), red racer (*Coluber flagellum piceus*), plains garter snake (*Thamnophis radix*), and western rattlesnake (*Crotalus viridis*) (Brown 1989b; Hammerson 1999; Shaw and Campbell 1974).

3. Cultural-Historical Context

The following section is a brief introduction to the prehistory and history of the Project Area in context of the greater Platte River Basin (Region). The most recent and comprehensive prehistoric context for the Region that encompasses the Project Area is *Colorado Prehistory: A Context for the Platte River Basin* (Gilmore et al. 1999).

3.1 Prehistoric Narrative

The Region, which includes more than 25 percent of the northeastern portion of the state of Colorado, is bordered by the Continental Divide to the west; the Colorado-Wyoming-Nebraska border to the north; the Colorado-Nebraska-Kansas border to the east; and the Palmer Divide, which separates the Platte River Basin from the Arkansas River Basin, to the south (Gilmore et al. 1999:1). Prehistoric cultures are known to have inhabited the Platte River Basin for as long as 13,000 years. The cultural periods have been divided into several temporal units based on variability in observed technological and subsistence attributes. These temporal units are described individually below.

3.1.1 Paleoindian Stage

The Paleoindian Stage in Colorado dates from 12,000 to 7,500 before present (B.P.) and is typically associated with the hunting of megafauna that became extinct during the terminal phase of the late Pleistocene or in the early Holocene (Gilmore et al. 1999:3). These animals consisted of proboscideans (*Mammuthus* spp.), certain species of now extinct bison (*Bison antiquus*), and other large game species that included camel (*Camelops* spp.), horse (*Equus* spp.), mountain sheep (*Ovis* spp.), elk (*Cervus* spp.), and deer (*Odocoileus* spp.) (Gilmore et al. 1999:5).

Paleoindian bands were highly mobile hunter and gatherers, and their food economy was based on the availability of big game that ranged across the landscape (Simms 2008:133). The archaeological evidence for the Paleoindian period is closely tied to the associated hunting tools utilized throughout the tradition, namely the distinctive fluted spear point variations. In Colorado, the Paleoindian Stage is subdivided based on changes in distinctive spear point technology and associated with direct or relative dating of sites. Much of the information about the Paleoindian Stage in the Region comes from data collected during excavation at kill sites and game processing sites.

The Paleoindian Stage in the Region is divided into three traditions, or sub-periods: These sub-periods include the Clovis (12,000–11,000 B.P.), Folsom (11,000–10,000 B.P.), and the Plano (10,000–7500 B.P.) periods (Gilmore et al. 1999:51).

3.1.1.1 Clovis Sub-period

The Clovis sub-period dates from 12,000 to 11,000 B.P., during which time the climate was wetter and cooler than it is today (Gilmore et al. 1999:51-57). Clovis inhabitants of the Region existed in small mobile bands and hunted mammoth, other now-extinct Pleistocene fauna, and many smaller species, utilizing riverine and lacustrine environments. The archaeological hallmark of the Clovis sub-period is the Clovis projectile point: a large, lanceolate, basally fluted projectile point (Justice 2002:67; Gilmore et al. 1999:51; Zier and Kalasz 1999:69). Clovis points vary from 3 to 6 inches in length, typically contain basal grinding,

are basally concave, have parallel or slightly convex edges, are leaf shaped, and are partially fluted at the hafting element of the base (Gilmore et al. 1999:57).

3.1.1.2 Folsom Sub-period

The Folsom sub-period dates from 11,000 to 10,000 B.P. when the climatic shifts that began in the Clovis sub-period continued, resulting in overall warming but also increased seasonality featuring warmer summers and, perhaps, colder winters (Gilmore et al. 1999:64). Conditions, in general, were cooler than those of the present day but began to approach modern levels by the end of the sub-period. A process of Pleistocene megafaunal extinction that began in Clovis times was largely complete by the end of the Folsom sub-period and, while overall mammal species diversity was reduced, the ranges of certain grassland-adapted species such as bison, elk, moose, deer, and antelope, increased significantly (Yohe and Woods 2002; Simms 2008; Zier and Kalasz 1999:87). Folsom-age demographics were like those of the Clovis period, with small bands of hunter-gatherers exploiting well-watered areas in an increasingly arid environment. Folsom sites are often associated with small-scale kills (up to 25 animals) of a now extinct form of bison, but an array of smaller mammal forms was exploited as well. Folsom projectile points are smaller than Clovis, but they exhibit fluting along nearly the entire length of the blade on both faces (Gilmore et al. 1999:51). Folsom toolkits are highly diverse and display a range of both formal and expedient forms and, like Clovis, show a preference for high-quality lithic materials from widely distributed sources.

3.1.1.3 Plano Sub-period

The Plano sub-period (10,000 to 7500 B.P.) is well represented on the Colorado portion of the High Plains in the form of surface and subsurface finds consisting of a variety of unfluted lanceolate projectile points (Zier and Kalasz 1999:94; Gilmore et al. 1999:69). During the Plano sub-period, the High Plains evolved into a land of semi-arid to arid short-grass prairie containing deciduous woodlands along principal streams. Bison continued to diminish in size but increased in absolute numbers and roamed an expanded range as grasslands proliferated. Human occupants of the region responded to Plano environmental conditions by becoming highly specialized bison hunters, developing communal hunting techniques that, at times, resulted in the killing of 200 or more animals in a single event (Zier and Kalasz 1999:94; Gilmore et al. 1999:69). The Plano sub-period is characterized by a series of temporally and geographically overlapping projectile point traditions and, while a good deal of morphological variability is apparent in Plano assemblages, points continue to be generally large and well made, often from high quality, non-local materials (Gilmore et al. 1999:51). Lithic assemblages generally appear as an outgrowth of Folsom industries, but with even greater morphological and perhaps functional variability. Bone tools figure prominently into Plano artifact assemblages but are largely expedient in nature (Zier and Kalasz 1999:94). Plano sub-period artifacts have been located throughout the Colorado portion of the High Plains and are typically associated with the hunting of extinct bison and modern bison (*Bison bison*) (Zier and Kalasz 1999:94).

3.1.2 Archaic Stage

The Archaic Stage (approximately 7500 to 2000 B.P.) is broadly associated with the Altithermal climatic event (Bentley 1983), an approximately 4,000-year-long period of relatively hot and arid conditions over the Western United States that necessitated a change in hunting and gathering patterns (Gilmore et al.

1999:91). Subsistence practices shifted to foraging for plant resources and small game hunting (Gilmore et al. 1999:5).

The Archaic Stage dates from 7500 to 2000 B.P. and is subdivided into the Early, Middle, and Late Archaic. It is differentiated from the Paleoindian in terms of technology and subsistence practices. Projectile point forms in the Archaic Stage changed substantially from the larger Paleoindian forms as flake tool technology began shifting towards stemmed and notched projectile point styles (Gilmore et al. 1999:94).

3.1.2.1 Early Archaic

The Early Archaic dates from 7800 to 5000 B.P. and marks the transition from the Plano to Archaic technology, with substantial changes in subsistence and material culture (Gilmore et al. 1999). The climate during the Middle Holocene experienced more extreme variability between cooler and warmer periods than present day, as well as possible torrential storms during the summer months. The Early Archaic is characterized by the manufacturing of lanceolate and large, corner-notched projectile points developed for use with the atlatl (Gilmore et al. 1999:94).

Gilmore et al. (1999:102–103) indicates that few known Early Archaic sites exist in the Region. Most sites have been found along hogbacks and foothills at higher elevations, suggesting a migration to cooler areas during the Altithermal climatic event.

3.1.2.2 Middle Archaic

The Middle Archaic dates from 5000 to 3000 B.P., when climatic conditions during the early Neoglacial episode are believed to have been more mesic, with wetter and cooler conditions prevailing. Conditions were similar to those of the present day and modern flora and fauna were present in the area as evidenced by assemblages from archaeological sites. The climate does not appear to have been static, however. Geomorphic evidence indicates that episodes of sand dune activation and dormancy occurred throughout the Middle Archaic and well into the Late Archaic, suggesting that fluctuations in effective moisture occurred (Gilmore et al. 1999).

The Middle Archaic is characterized by increased variability in projectile point styles that include lanceolate and stemmed-indented projectile points, as well as side- and corner-notched points most likely used for hunting bison and other ungulates (Gilmore et al. 1999:5; Zier and Kalasz 1999). In addition to varying projectile point types, Middle Archaic sites often contain groundstone implements, suggesting a reliance on more plant-based foods. The Middle Archaic is represented in the Region along the mountains, foothills, and plains landscapes, suggesting that groups traveled between the mountains and plains. Middle Archaic peoples appear to have hunted and foraged in the mountains during the summer and fall months, and returned to base camps in the hogbacks, foothills, and eastern plains during the winter months (Gilmore et al. 1999:118). Several Middle Archaic sites have been recorded on the plains, but site density appears lower in the mountainous regions (Gilmore et al. 1999:118 and 134).

3.1.2.3 Late Archaic

The Late Archaic dates from 3000 to 1800 B.P. and is characterized by changes in material culture that include the introduction of the bow and arrow and ceramics. Late Archaic sites in the South Platte River drainage area are similar to those of the Middle Archaic but occur more frequently and are apparently more

widely distributed based on both absolute dating and the presence of diagnostic artifacts (Gilmore et al. 1999:134).

The climate during the latter half of the Neoglacial episode experienced a return to Pleistocene-like conditions except with modern flora and fauna. The winter months were wetter and the summers were cooler (Simms 2008). The presence of groundstone and a variety of stone tools persisted into the Late Archaic, while projectile point morphology tended towards large, side- and corner-notched points, many of which had serrated edges (Gilmore et al. 1999:95). Hunting was still the primary means of subsistence, but strategies changed to incorporate buffalo jumps, game drives, and a heavier reliance on smaller game and fish to support the needs of increasing populations.

3.1.3 Late Prehistoric Stage

The Late Prehistoric Stage (1800 B.P. to Anno Domini [A.D.] 1540) is characterized by the increased production of bow and arrow type projectile points, bulk food procurement, expansive material trade, and continued ceramic development. The climate during the Medieval Warm Period consisted of a slow warming period until A.D. 900. This was followed by a rapid warming period with summer rainfall. By A.D. 1000 the climate experienced decades of severe drought followed by abundant precipitation (Simms 2008:77). Lithic technology progressed from the production of dart-style points made from quarried materials to arrow-style points and other flake tools made from locally available raw material. Plant processing became more abundant and spread across a wider area.

The Late Prehistoric Stage in the Region is divided into two periods: the Early Ceramic period and the Middle Ceramic period (Gilmore et al. 1999:3). New technologies flourished in the Late Prehistoric, including the continuing development of pottery and the bow and arrow. Small side- and corner-notched points are used to differentiate the Late Prehistoric from other periods and are more common in artifact assemblages in the Region than are ceramics (Gilmore et al. 1999:175).

The Early Ceramic period (A.D. 150 to 1150) features cord-marked pottery and corner-notched projectile points (Gilmore et al. 1999:5). Campsites were more common during the Early Ceramic period and, based on evidence found at sites, seem to have been occupied for longer amounts of time than in preceding periods. They may have been repeatedly occupied (Gilmore et al. 1999:179). There are considerably more Early Ceramic sites in the Region than sites of any previous period, with a large number of these sites having absolute dates (Gilmore et al. 1999:179).

The Middle Ceramic period (A.D. 1150 to 1540) is characterized by smoothed, cord-marked pottery and triangular projectile points (Gilmore et al. 1999:5). Many Middle Ceramic sites also have Early Ceramic components (Gilmore et al. 1999:245).

3.1.4 Protohistoric Stage

The Protohistoric period dates from approximately A.D. 1540 until Euro-American occupation and settlement in the area and subsequent relocation of Native Americans onto reservations in the late 1800s (Gilmore et al. 1999:5, 309). The Protohistoric period is characterized by a major shift in Native American technology and subsistence practices, as well as dramatic changes in demographics. The arrival of Europeans on the North American continent changed many aspects of Native American life. Subsistence

technologies shifted as firearms became available and metal and glass implements were introduced for food gathering, storage, and cooking (West 1998). A shift in environmental conditions also occurred during this time. A long drought ended and climate conditions on the high plains became more hospitable and similar to those of today (Gilmore et al. 1999:309). Perhaps the greatest changes observed in Native American populations during the Protohistoric period involved a dramatic reduction in their numbers caused by the introduction of European diseases and increased competition for resources between Native American groups and new Euro-American settlers (West 1998).

Several tribes inhabited the Region during this time including the Cheyenne, Arapaho, Shoshoni, Comanche, Kiowas, Apache, and Ute (Gilmore et al. 1999:310). When the Platte River Basin context was described by Gilmore in 1999, more than 130 Protohistoric sites had been identified in the Region (Gilmore et al. 1999:310-311). Protohistoric sites are predominantly open camps and lithic scatters, but other site types include peeled trees, architectural sites, sheltered camps, sheltered lithic scatters, rock art, battle locations, and trails. Apache sites were common during the Protohistoric (especially on the eastern plains), and diagnostic features and artifacts include shallow pithouses, bison scapula hoes, snub-nosed end scrapers, and distinctive ceramics (Gilmore et al. 1999:311–313). In the mountains, the Ute were the predominant tribe. Ute sites are often identified by the presence of Uncompahgre Brown-ware ceramics, Cottonwood Triangular projectile points, Desert Side-notched points, and features like wickiups and peeled trees (Gilmore et al. 1999:323).

During the Protohistoric period, the acquisition of the horse changed subsistence patterns from localized pedestrian hunting and gathering to long-distance hunting on horseback. Bison hunting and some horticulture were the primary means of subsistence (Gilmore et al. 1999:313; Zier and Kalasz 1999:257).

3.2 Historic Narrative

3.2.1 *Early Exploration and Conquest*

The first non-Native visitors to the Region consisted of French and Spanish trappers and traders who arrived in the area as early as the late 17th century. Although the Spanish had made incursions into the Kansas plains as early as the 1540s, it was more than 150 years before the European presence on the plains became commonplace. The French began exploring North America's interior from both the north and south via the Mississippi and Missouri river drainages beginning in the early years of the 18th century (Creigh 1977:21). French influence began to decline after the signing of the Treaty of Paris in 1763 and the French, by the time of the Louisiana Purchase in 1803, had all but disappeared from the plains.

The focus of western exploration and commerce during the early 1800s began with the Lewis and Clark Expedition of 1803–1806 as the explorers made their way west along the Missouri River. Soon after, French trappers arrived to trap beaver along the western rivers and tributaries. By the early 1820s, trappers working for the Rocky Mountain Fur Company traveled along the Sweetwater and Platte rivers in Wyoming and Nebraska along what was soon to become the Oregon Trail (Hafen and Young 1938:21). Shortly thereafter, a military expedition led by Major Stephen H. Long traversed the South Platte River to the Rocky Mountains (Gregg 1954). Trading posts and military outposts were established in the vicinity to facilitate the fur trade. These forts included Fort William in southeastern Wyoming, Fort Robinson and Fort Sidney in western Nebraska, and Fort Saint Vrain, Fort Vasquez, and Fort Sedgewick in northeastern Colorado. All of these

frontier outposts were located along major drainages and established transportation routes. From 1820 until the early 1840s, the military conducted routine patrols in the area to manage ongoing encounters with Native Americans tribes that were beginning to make a stand against the encroaching Euro-Americans.

3.2.2 Trails and Transportation

By the late 1840s, Euro-American emigration began to increase throughout the Region and adjacent areas as thousands of settlers used wagons to traverse the Platte River valley as a means to reach Utah, California, and Oregon. Eventually more than 500,000 would-be settlers traveled over the Oregon, Overland, and Mormon trails to western states, accompanied by more than 1.5 million animals (Madsen 1980:27; Creigh 1977:33). A large group of these settlers came west to seek California gold during 1848 and 1849, religious freedom in Utah (which began in 1847), or permanent settlements in Oregon while electing to merely pass through the Plains and settle elsewhere. Denver was founded in 1858 and quickly became the regional economic hub. It was not until the 1860s and 1870s that the area encompassing the greater portion of the present Project Area was actively settled by Euro-Americans.

Other significant historic routes in the Region include the course of the Spanish Villasur Expedition (ca. 1720); the route used by Long's 1820 exploration party; the Platte River Trail (ca. 1840s to 1900); and the Overland Trail and Stage Route, which was established in the 1850s (Mehls 1984). The Overland Stage Line Company established a series of stage stations or ranches bordering the south bank of the South Platte River between Old Julesburg and Denver (Scott and Shwayder 1993).

The development of the Transcontinental Railroad across the Great Plains eventually superseded the need for the emigrant and freight trails. The transcontinental railroad crossed the Great Plains through Nebraska and Wyoming in 1868 and was completed the following year as the Central Pacific Railroad and Union Pacific Railroad companies met at Promontory Point, Utah, north of the Great Salt Lake (Ambrose 2000). Within a few years additional connecting lines were constructed to Denver and other communities in northeastern Colorado.

3.2.3 Homesteading and Agricultural Settlement

By the early 1860s homesteading, farming, and ranching took over as the principal economic themes of the Region (Gregg 1954). Agricultural settlement in the Region began to escalate by the mid-to-late 1860s. Carrillo (1990; see also Carrillo et al. 1989) has identified three phases of historic agricultural settlement for the Region: the Early Settlement phase (1867–1890), the Middle Settlement phase (1891–1915), and the Late Settlement phase (1916–1930). Carrillo's phases coincide chronologically with the U.S. Homesteading Acts. Mehls (1984) and Mehls [n.d.], in specific reference to Weld County, Colorado, have also identified three homesteading periods with somewhat different dates: Frontier period (1870–1900), Land Boom period (1900–1920), and Depression period (1920–1939). However, Carrillo's phases will be used for this discussion.

The Early Settlement phase (1867–1890) consists of a vast number of settlers moving into the area, generally in response to the Homestead Act of 1862, under which 160-acre plots of land could be acquired and patented if specified improvements were made within an allotted time. Many of the settlers in the Region were Euro-Americans migrating from the eastern and southern states, as well as Europeans from various countries.

During the 1880s and 1890s dryland farming techniques were implemented across the region to combat an extended drought. Large-scale cattle ranchers exploited the vast grasslands, running herds across the open plains prior to the end of the open range period around 1895 (Mehls 1984).

The Middle Settlement phase (1891–1915) witnessed the failure of many of the homesteads from the preceding phase and resulted in the consolidation and redistribution of land holdings. During this phase, the development of agricultural ditches and large irrigation canals in the South Platte River Valley was paramount to maintaining the land allotments.

Changes in the beef and sheep industries occurred around 1900, resulting in the fencing of pasture land, development of feed lots, and an increase in rail transport.

The Late Settlement phase (1916–1930) consists of an influx of settlers in response to the Enlarged Homestead Act of 1909 and the Stock Raising Homestead Act of 1916, both of which permitted claims on parcels of up to 640 acres. During the 1920s, the Late Settlement phase witnessed the devastating results of a massive drought and the effects of the Dust Bowl. The Great Depression followed the drought and Dust Bowl during the early 1930s, compounding the economic difficulties in the region. The vast majority of those who had homesteaded in the region during the Late Settlement phase failed sometime in the early 1930s as a result of these conditions. Many of the homesteaded parcels reverted to government ownership, while others were bought out by more successful neighbors.

Agriculture continues to be the economic mainstay of the Region and includes rearing livestock and raising crops. Other economic development in the Region includes gas and oil exploration, grain storage and transport, meat processing, and fertilizer production and distribution. However, the Project Area includes both agricultural and developed urban areas that are highly influenced by other economic sectors.

3.2.4 Irrigation Ditches along the Northern Front Range

The information in this section was derived from the online website used with permission from Anne Dyni, author of "Pioneer Voices of Boulder County", published by the Boulder County Open Space Department (Dyni 2010).

The means to irrigate farmland within the northern Front Range region was initiated as early as 1859 via a series of ditches. The diversion of water from local snowmelt-fed streams and rivers assured farmers of good crops. The meadows and lowlands were systematically irrigated first due to the relative ease of constructing a dam across a stream and diverting the water to adjacent lands, requiring little or no ditching. The implementation of the ditch systems allowed the farmers to utilize land further from the streams. The ditches were typically constructed by using teams of oxen or horses pulling plows or ditchers (V-shaped chisels that cut deep trenches in the soil) to the desired locations in need of irrigation. Many of the earliest ditches in the region, such as the Holland Ditch in Boulder County, were dug with a team of horses and walking plow. The ditches were designed to allow the water to flow evenly across the entire field without eroding the topsoil. The plow blades were set at different heights to allow the proper drainage pitch. The common drainage pitch consisted of 1-inch elevation loss per 20 feet of ditch length.

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4. Statement of Objectives

The goals of this cultural resource study were to identify cultural resources likely to be present and possibly affected by the Project, evaluate the cultural resources for their NRHP status, and make management recommendations for those cultural resources in relation to the Project. To achieve these goals, seven tasks were undertaken, which are as follows:

1. Conduct a site file search of the OAHP database to determine whether previous inventories have been performed in or near the Project Research Area (the area within 0.5 miles of the area of potential effect [APE]), and whether previously recorded cultural resources are present in the Research Area. Review historic maps and GLO records to look for possible historic features found in the Research Area.
2. Conduct a cultural resource inventory of the Project APE and identify sites.
3. Record all present cultural resources within the APE. Recordation to include global positioning system (GPS) coordinates, site sketch map, photographs, and site descriptions.
4. Complete OAHP site forms for all observed cultural resources within the APE.
5. Evaluate all recorded cultural resources within the APE.
6. Make appropriate management recommendations for all recorded cultural resources.
7. Prepare a report of the results of the inventory and submit to the lead agency with the understanding that the lead agency will submit to the OAHP.

4.1 Expected Results

Expectations of site frequency and types within the APE estimated approximately one site per every square 1 mile, with sites consisting of small prehistoric lithic scatters along the drainages and creeks, and historic irrigation, agricultural, transportation, or settlement structure sites. Much of the APE has been subjected to decades of agricultural practices and more recently by commercial and gas and oil development and has been greatly disturbed.

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5. Methodology

5.1 Desktop Research Methods

Tetra Tech conducted a site file search through OAHF Colorado Cultural Resource On-line Database (Compass) on August 12, 2018, for the Research Area (the area within 0.5 miles of Project). The Compass database includes records of all archaeological investigations that have been conducted and all cultural resources (prehistoric and historic archaeological sites) that have been previously recorded. Tetra Tech also reviewed the historic GLO records and the Glenn R. Scott trails maps to determine whether vestiges of trails, transportation routes, homesteads, or other resources may be present in the Research Area.

5.2 Field Methods

The Survey Area consists of a non-contiguous 67.2-acre area surrounding potential USACE jurisdictional wetlands. Three archaeologists conducted the survey by walking the APE spaced approximately 15 meters apart. Ground visibility was approximately 40 to 70 percent throughout the majority of the APE.

The locations of the cultural resources were recorded using a hand-held 2008 Series Trimble XT GPS unit. Universal Transverse Mercator coordinates are used to indicate site locations and are based on the 1983 North American Datum. A sketch map was digitized for the sites and GPS coordinates of the site boundaries were recorded. The resources were documented using the Colorado Historic Society/OAHF site forms. Digital color photographs were taken of the resources and are included in Chapter 6 and the OAHF site forms. No artifacts were collected.

For the purposes of this survey, and in accordance with the Colorado Historic Society/OAHF guidelines (OAHF 2007), Tetra Tech used the following definitions for sites: (1) a concentration of prehistoric artifacts of five or more items, (2) a concentration of 50 or more items from the same historic artifact or event (e.g. a broken bottle), or (3) a feature with associated artifacts, regardless of number. All items outside these definitions would have been recorded as isolated finds (IFs).

5.3 Site Evaluation Criteria

Sites investigated during this inventory were evaluated for eligibility for listing on the NRHP. Those eligibility significance criteria are codified in the Code of Federal Regulations (36 CFR 60.4) and are specified below.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or*
- b. that are associated with the lives of persons significant in the past; or*
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic value, or that*

- represent a significant or distinguishable entity whose components may lack individual distinction; or*
- d. *that have yielded, or are likely to yield, information important in prehistory or history.*

Ordinarily, cemeteries, birthplaces, or graves of historical figures; property owned by religious institutions or used for religious purposes; structures that have been removed from their original location; reconstructed historic buildings; properties that are primarily commemorative in nature; and properties that have achieved significance within the last 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- a. *a religious property deriving primary significance from architectural or artistic distinction or historical importance; or*
- b. *a building or structure removed from its original location, but which is significant primarily for its architecture, or which is the surviving structure most importantly associated with an historic person or event; or*
- c. *a birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or*
- d. *a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or*
- e. *a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no building or structure with the same association has survived; or*
- f. *a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or*
- g. *a property achieving significance within the past 50 years if it is of exceptional importance.*

The cultural resources were evaluated based on the criteria listed above. Eligible sites are those that display one or more of the criteria for eligibility. In addition, sites evaluated as eligible must retain physical integrity. Eroded or otherwise heavily disturbed sites are generally not considered eligible. Sites evaluated as needing data are those sites that may conform to the eligibility criteria but require further work to determine NRHP status. In most cases, these sites are prehistoric or historic sites with suspected buried materials or historic sites where additional research is necessary to determine historical importance. Sites that are evaluated as not eligible do not meet any of the eligibility criteria and/or have lost physical integrity.

6. Results

6.1 Desktop Research

The desktop research revealed that six prior investigations have been undertaken within the Research Area (Table 6-1). The previous investigations primarily consist of road maintenance and private lands projects.

Table 6-1:
Previously Conducted Surveys within the Research Area.

Date	Report Number	Author(s)	Report Title
2008	AM.CH.R62	Greg Wolff	An Intensive Archaeological Resource Inventory of the South Platte River on State Highway 7 West of Brighton, Adams County, Colorado (BR 0072-015)
2013	AM.SC.NR22	Jennifer Cook	Adams County Limited Results Cultural Resources Survey Report on Private Lands (Greaves)
1985	MC.CH.R125	Barbara L.S. Chocol	Historical Survey of Project BRO 0012(1), Baseline Road-Adams/Weld County Line
1985	MC.CH.R61	Barbara Chocol and Debra Angulski	Archaeological Clearance of Highway Project BRO 0012(1), Adams/Weld County Line Road at South Platte River

The Compass database identified 46 cultural resources (structures, archaeological sites, and IFs) within the Research Area that have been previously recorded. Of the 46 previously recorded resources, 45 are historic sites and one is a prehistoric isolate find (IF). The site information is summarized in Table 6-2. The 45 historic sites consist of 34 commercial structures, two segments of the Boulder Valley Railroad, four ditch segments (3 McCanne and 1 Brantner), three trail segments (Long Expedition, Overland, and Platte River), and two portions of the Baseline Bridge. The prehistoric IF consists of a lithic flake.

Of the 45 historic sites located within the Research Area, eight sites (5AM.258, 5AM.474.4, 5AM.3220, 5AM.30, 5AM.3218, 5AM.82, 5AM.3221 and 5WL.5668) are determined “Eligible-Officially”, one site (5AM.94) has been recommended as “Eligible-Field”, 30 sites have been recommended as “Not Eligible-Field”, and six sites have been determined “Not Eligible-Officially”. The prehistoric IF (5AM.2271) has been recommended as “Not Eligible-Field”.

Table 6-2:
Previously Recorded Cultural Resources within the Research Area.

Site Number	Time Period	Site Type	NRHP Eligibility
5AM.100	Historic	Commercial Structure (J.C. Penney Company)	Not Eligible-Field
5AM.101	Historic	Commercial Structure (Schloos Clothing)	Not Eligible-Field
5AM.102	Historic	Commercial Structure (Public Service Company)	Not Eligible-Field
5AM.103	Historic	Commercial Structure (Eaton Sam General Store)	Not Eligible-Field
5AM.104	Historic	Commercial Structure (Bank of Brighton)	Not Eligible-Field
5AM.105	Historic	Commercial Structure (Strong Mercantile)	Not Eligible-Officially
5AM.106	Historic	Commercial Structure (Elk Lodge)	Not Eligible-Field
5AM.107	Historic	Commercial Structure (Homann Building)	Not Eligible-Field
5AM.108	Historic	Commercial Structure (The Alley)	Not Eligible-Field
5AM.109	Historic	Commercial Structure (Shirley Cafe)	Not Eligible-Field

**Table 6-2:
Previously Recorded Cultural Resources within the Research Area.**

Site Number	Time Period	Site Type	NRHP Eligibility
5AM.110	Historic	Commercial Structure (Brighton Recreation Center)	Not Eligible-Field
5AM.111	Historic	Commercial Structure (Brighton Discount Store)	Not Eligible-Field
5AM.112	Historic	Commercial Structure (Jam Bar)	Not Eligible-Field
5AM.113	Historic	Commercial Structure (Jam Bar 2)	Not Eligible-Field
5AM.114	Historic	Commercial Structure (Brighton Blade)	Not Eligible-Field
5AM.115	Historic	Commercial Structure (Mor Value Stamp Company)	Not Eligible-Field
5AM.116	Historic	Commercial Structure (VFW Hall)	Not Eligible-Field
5AM.117	Historic	Commercial Structure (Freidmans)	Not Eligible-Field
5AM.118	Historic	Commercial Structure (Moore's Saloon)	Not Eligible-Field
5AM.126	Historic	Long Expedition Trail Segment	Not Eligible-Field
5AM.130	Historic	Platte River Trail Segment	Not Eligible-Field
5AM.132	Historic	Overland Trail Segment	Not Eligible-Field
5AM.2271	Prehistoric	IF-Lithic Flake	Not Eligible-Field
5AM.258	Historic	Baseline Bridge	Eligible-Officially
5AM.30	Historic	Commercial Structure (Great Western Sugar Factory)	Eligible-Officially
5AM.31.1	Historic	Boulder Valley Railroad Segment	Not Eligible-Officially
5AM.3218	Historic	Commercial Structure (Kuner Pickle Company)	Eligible-Officially
5AM.3220	Historic	Commercial Structure (Brighton Farmers COOP Grain Elevator)	Eligible-Officially
5AM.3221	Historic	Commercial Structure (Wilmore Canning Factory)	Eligible-Officially
5AM.371	Historic	McCanne Ditch Segment	Not Eligible-Officially
5AM.371.1	Historic	McCanne Ditch Segment	Not Eligible-Officially
5AM.474.4	Historic	Brantner Ditch Segment	Eligible-Officially
5AM.82	Historic	Commercial Structure (Wehrman's Garage)	Eligible-Officially
5AM.83	Historic	Commercial Structure	Not Eligible-Field
5AM.84	Historic	Commercial Structure	Not Eligible-Field
5AM.85	Historic	Commercial Structure (Carmichael Building)	Not Eligible-Field
5AM.93	Historic	Commercial Structure (First National Bank)	Not Eligible-Field
5AM.94	Historic	Commercial Structure (Leffingwell Building)	Eligible-Field
5AM.95	Historic	Commercial Structure (Fulmer Saloon)	Not Eligible-Field
5AM.96	Historic	Commercial Structure (Reuter Building)	Not Eligible-Field
5AM.97	Historic	Commercial Structure (Longen Drugs)	Not Eligible-Field
5AM.98	Historic	Commercial Structure (Dreyer Building)	Not Eligible-Field
5AM.99	Historic	Commercial Structure (Higgins Saloon)	Not Eligible-Field
5WL.5668	Historic	Baseline Bridge	Eligible-Officially
5WL.751.1	Historic	Boulder Valley Railroad Segment	Not Eligible-Officially
5WL.945	Historic	McCanne Ditch Segment	Not Eligible-Officially

Tetra Tech also conducted a review of the GLO plat maps for Township 1 South, Range 67 West (1863); Township 1 South, Range 66 West (1865); the National Park Service's National Historic Trails Map; and

the Glenn R. Scott and Carol Rein Shwayder Historic Trail Map of the Greeley 1° x 2° Quadrangle, Colorado and Wyoming (1993) maps of the Research Area. The results of the GLO plat search are listed in Table 6-3.

Table 6-3:

Potential Cultural Resources Depicted on GLO Plats within the Research Area

Potential Resource	Plat Date	Township and Range	Section
Northeast to Southwest Trending Road to Denver	1863	T1S, R67W	12 E½
Northeast to Southwest Trending Road to Denver	1865	T1S, R66W	6 W½

6.2 New Cultural Resources Recorded During the Pedestrian Survey

The pedestrian survey of the APE consisted of a 67.2-acre area surrounding potential USACE wetland locations located on privately owned lands in Adams County. Four new cultural resources were identified and documented during the pedestrian survey.

6.2.1 Site 5AM.3866.1 Brighton Ditch Segment

Description: Site 5AM.3866.1 is located among an agricultural setting and trends north to south from the intersection of East 160th Avenue and Riverdale Road toward 168th Avenue. The site consists of an earthen bank segment of the Brighton Ditch that measures approximately 2,782 feet long by 7 feet wide. The ditch segment runs under East 160th Avenue to the north. Several slabs of concrete are scattered along the bank. A metal headgate (Feature 1) was observed on the southern end of the segment and a concrete flow control (Feature 2) was observed in the central portion. A drainage pipe is embedded in the bank just north of East 160th Avenue. Feature 1 consists of a metal headgate embedded in a concrete slab and is embossed with "ARMCO" and "LC-50". Feature 2 consists of a modern concrete flow control chute that measures ~15 feet long by ~7.5 feet wide. The base is constructed of cinder blocks and the top of poured concrete.



Figure 6-1. Overview of site 5AM.3866.1. View looking north.

Evaluation and Management Recommendations: The site consists of a segment of the Brighton Ditch which in its entirety spans from the south Platte River north to Little Dry Creek approximately 9.85 miles north. The site is not clearly associated with a person (Criterion B) significant to Adams County or our nation's history. It neither embodies the distinctive characteristics of an architectural style or architect nor exhibits high artistic value (Criterion C). However, the site may date back to the late 1800s and may have played a significant role in the agricultural and economic development of Adams County during the late 19th and early 20th Centuries. The site needs additional research to determine whether the site may be eligible for the NRHP under Criterion A. Tetra Tech therefore recommends this site be avoided during the mine operations. According to the latest Project engineering design, the site will not be directly impacted by the mine and a slurry wall will be erected along the eastern extent of the ditch segment.

6.2.2 Site 5AM.3867.1 Unnamed Ditch Segment

Description: Site 5AM.3867.1 is located among an agricultural setting spanning from the Brighton Ditch near the intersection of East 160th Avenue and trending east and the northeasterly under Tucson Road and ending in a wetland approximately 400 feet east of Tucson Road. The site consists of a concrete lined ditch segment that measures approximately 3,405 feet long by 4 feet wide. Part of the ditch appears to drain into a wetland on the east side of Tucson Road while the rest continues north and then east along the wetland perimeter. Five water pumps (Features 1-5) are associated with the canal. The site is heavily overgrown in most areas and has significant amounts of modern refuse scattered on top. Feature 1 consists of a metal pump and pipe, embossed with "Westernland Roller Pump, made in Hasting NE Serial number #750163". Feature 2 consists of a metal pump and irrigation pipe. Feature 3 consists of a metal pump and irrigation pipe. Feature 4 consists of a metal pump and irrigation pipe mounted onto two sets of two pieces of 1 x 6 milled lumber. The lumber is set on top of a tubular concrete housing. Feature 5 consists of a metal pump connected to a plastic tube that runs east to west along the eastern side of Tucson Road. The pipe and pump were not connected to any of the other segments.



Figure 6-2. Overview of site 5AM.3867.1. View looking southwest.

Evaluation and Management Recommendations: The site consists of a small concrete lined ditch segment that is not clearly associated with an event (Criterion A) or person (Criterion B) significant to Adams County or our nation's history. It neither embodies the distinctive characteristics of an architectural style or architect nor exhibits high artistic value (Criterion C). The recordation of the site has likely exhausted the data potential of the site (Criterion D). Tetra Tech therefore recommends this site as not eligible for listing on the NRHP, and no further management consideration of the resource is necessary in relation to the Project.

6.2.3 Site 5AM.3868.1 Unnamed Ditch Segment

Description: Site 5AM.3868.1 is located among a commercial setting spanning from the Brighton Ditch near the intersection of East 160th Avenue and trending southeast to the South Platte River. The site consists of an earthen banked ditch segment that measures approximately 2,857 feet long by 15 feet wide.



Figure 6-3. Overview of site 5AM.3868.1. View looking northwest.

Evaluation and Management Recommendations: The site consists of a small concrete lined ditch segment that is not clearly associated with an event (Criterion A) or person (Criterion B) significant to Adams County or our nation's history. It neither embodies the distinctive characteristics of an architectural style or architect nor exhibits high artistic value (Criterion C). The recordation of the site has likely exhausted the data potential of the site (Criterion D). Tetra Tech therefore recommends this site as not eligible for listing on the NRHP, and no further management consideration of the resource is necessary in relation to the Project.

6.2.4 IF 5AM.3869

Description: IF 5AM.3869 is located among an agricultural setting approximately 95 feet east Tucson Road on the northwestern edge of an agricultural field. The IF consists of a damaged metal piece of farming equipment. A piece of the equipment is embossed with a maker's mark that reads "Messinger MFG CO Tatamy PA USA". The equipment may be a component of an irrigation pumping system.



Figure 6-4. Overview of IF 5AM.3869. View looking southwest.

Evaluation and Management Recommendations: IFs are typically considered ineligible for listing on to the NRHP. Exceptions are made where the archaeological record is lacking in available data or the IF is considered rare or unusual and may be associated with rare or unusual events. The newly recorded IF identified within the APE does not meet these requirements. Further, the IF is unlikely to produce new or additional data that would substantially contribute to an understanding of the history of Adams County or Colorado. Tetra Tech recommends the IF as not eligible for NRHP listing and no further management is required.

7. Recommendations

This cultural resource survey resulted in the identification of four new cultural resource (5AM.3866.1, 5AM.3867.1, 5AM.3868.1, and 5AM.3869). Tetra Tech has left site 5AM.3866.1 as unevaluated pending additional research to better assess their NRHP eligibility and should be treated as eligible site and avoided by any ground disturbing activity. According to the latest Project engineering design, the site will not be directly impacted by the mine and a slurry wall will be erected along the eastern extent of the ditch segment. Sites 5AM.3867.1, 5AM.3868.1, and IF 5AM.3869 have been recommended as not eligible for inclusion onto the NRHP.

If construction staff or others observe previously unidentified archaeological resources during construction, work should be halted in the vicinity of the find(s) and the Project Archaeologist immediately notified so that the resource value may be assessed as soon as possible, and appropriate next steps determined in coordination with the landowner, OAHP, and/or lead agency. Such finds should be formally recorded and evaluated for NRHP eligibility, as appropriate. The resource should be protected from further disturbance or looting pending evaluation and agreement from the State Historic Preservation Office regarding the resource's eligibility status. Should the unanticipated discovery be determined to be a historic property that is NRHP-eligible and cannot be avoided, AI should provide justification why the resource cannot be avoided and recommend treatment options (e.g., data recovery) to the landowner and OAHP.

If human remains are inadvertently discovered during construction activities, all work in the vicinity of the find should cease and the Adams County Coroner contacted immediately to determine the nature of the remains and if the remains are Native American.

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Development Review Team Comments

Date: 7/2/2020

Project Number: PRE2020-00030

Project Name: Tucson South Resource

Commenting Division: ROW Review

Name of Reviewer: Mark Alessi

Date: 07/02/2020

Email:

Complete

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:

Please see the attached Supplemental Materials 08 (S08) for and legal descriptions exhibits of right of way dedications.

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:

Correct, please see the attached Supplemental Materials 08 (S08) for and legal descriptions exhibits of right of way dedications.

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Emma Pinter
DISTRICT 3

Steve O'Dorisio
DISTRICT 4

Mary Hodge
DISTRICT 5

Date: 07/02/2020

Email: memmens@adcogov.org

Complete

ENG1: Flood Insurance Rate Map – FIRM Panel # (08001C0327H), Federal Emergency Management Agency, January 20, 2016. According to the above reference, the project site is located within a special flood hazard delineated area; A floodplain use permit will be required.

AI Response: Please see the attached Supplemental Materials 04 (S04) attached to the application for a copy of the Floodplain Use Permit and No Rise Certification. Aggregate Industries (“Aggregate”) will work with the County to renew the permit.

ENG2: The project site is located in a NRCO district. In the event that the disturbed area of the site exceeds 1 acre, the applicant will be required to complete an environmental assessment.

AI Response: Please see the attached Supplemental Materials 10 (S10) attached to the application for a copy of the Biological Resources Inventory Report.

ENG3: The project site is not within the County's MS4 Stormwater Permit area. The installation of erosion and sediment control BMPs are expected. The applicant shall be responsible to ensure compliance with all Federal, State, and Local water quality construction requirements.

AI Response: Please see the attached Supplemental Materials 08 (S08) as well as page 22 of the Project Description for a discussion of the water quality permits and BMPs for this site.

ENG: 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: Aggregate is not proposing to install over 3,000 square feet of impervious area on the project site.

ENG5: The applicant must submit a trip generation analysis for the proposed operation on the site. If the new operation generates over 20 vehicles per day a traffic impact study signed and stamped by a professional engineer with the state of Colorado is required to be submitted to the Adams County Community and Economic Department for review and approval.

AI Response: Please see the attached Supplemental Materials 01 for the trip generation analysis.

ENG6: All access points to the site are required to be permitted. Any access points on E 168th Ave and Tucson will be permitted by Adams County. Any access from Highway 7 is required to be permitted by the Colorado Department of Transportation (CDOT). Accesses to the site must meet all requirement of the permitting jurisdiction.

AI Response: Aggregate will work with the County to permit the two proposed access points on Tucson Street. The trip generation analysis attached as Supplemental Materials 01 makes recommendations for the access point locations. Aggregate is not proposing any access points on East 168th Ave or Highway 7.

ENG7: Any work or improvements within roadway rights-of-way must be permitted. East 168th Ave and Tucson Street will be permitted through Adams County. Highway 7 will be permitted by the CDOT.

AI Response: Aggregate will work with Adams County to obtain the required permits for work within the roadway rights-of-way.

ENG8: At the time of development, the applicant will be required to submit construction plans for all site improvements. Complete details of the conveyor belt crossing of the roadways are expected. The construction plan set must include plans for remove and/or abandonment of the conveyor systems within the roadway rights-of-way. The crossing of E 168th Ave is of concern to the County. The crossing must be perpendicular to the roadway and deep enough to allow for future utility installation, including large (60”+) storm sewer that will outfall into the South Platte River.

AI Response: Aggregate will submit all required construction plans for site improvements, including the conveyor crossings. Aggregate appreciates the information about future utility installation and will work with the County to ensure compatibility with future plans. Aggregate will reach out to the Metro District regarding their planned future utilities.

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/02/2020

Email: gjbarnes@adcogov.org

Complete

PLN01: A conditional use permit is required for excavation in the Agricultural-3 zone district. An additional conditional use permit application will be required for qualifying inert fill operations.

AI Response: Please see submitted CUP application. Aggregate is not requesting an inert fill application for the project as adequate overburden will be available on-site for reclamation activities. Please note that this zoning is A-1 Agricultural.

PLN02: Conditional use permit applications are subject to the process detailed in Section 2-02-09 of the Adams County Development Standards and Regulations.

AI Response: Noted

PLN03: Applications for conditional use permits can be obtained at:
<http://www.adcogov.org/current-planning-application-packets>

AI Response: Noted

PLN04: Upon submittal of your application, staff will notify the public and referral agencies. The first round of review comments on your application should be received within 35 days. At that time a resubmittal may be requested. Resubmittals are reviewed for 21 days.

AI Response: Noted

PLN05: When no further concerns are noted or you indicate that you will no longer comply with comments, two public hearings will be scheduled. The Planning Commission and the Board of County Commissioners will hold hearings to evaluate the application.

AI Response: Noted

PLN06: The Planning Commission, in making their recommendation, and the Board of County Commissioners, in approving a conditional use permit, shall find:

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. 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.
5. The conditional use permit has addressed all off-site impacts.
6. The site is suitable for the 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.

If an inert fill is considered, then additional criteria apply:

1. There is a need for the inert filling operation for the benefit of Adams County.

2. The request is compatible with the Adams County Comprehensive Plan, complies with the minimum zoning requirements of the zone district in which the Conditional Use Permit is to be granted, and complies with all other applicable requirements of the Adams County Zoning and Subdivision Regulations.
3. The applicant has documented his ability to comply with the health standards and operating procedures as provided by the Colorado Department of Public Health and Environment, Tri-County Health Department, Fire District, and other relevant agencies.
4. The proposed inert fill will not cause significant traffic congestion or traffic hazards.
5. The request is compatible with the surrounding area.
6. The site will not impact health and welfare of the community based upon specific fill design and operating procedures.

AI Response: Noted

Commenting Division: Planner Review

Name of Reviewer: Greg Barnes

Date: 07/02/2020

Email: gjbarnes@adcogov.org

Complete

PLN07: The subject properties are designated with A-3 zoning and a comprehensive plan future land use designation of Agriculture. These designations are typically where extraction activities occur.

AI Response: Noted; in further discussions with the County, the zoning was determined to be A-1 for the subject properties.

PLN08: The site is impacted by floodplain and floodways. This will present environmental concerns for the proposed use.

AI Response: Please see attached Supplemental Materials 04 for a discussion of the floodplain and floodway.

PLN09: As with the last application which was denied less than a year ago, there are concerns with compatibility, traffic, off-site impacts, and environment.

AI Response: Aggregate has significantly revised the application with input from local stakeholders to address concerns and ensure compatibility. Please see the attached Project Description for a summary of key changes to this application and a detailed discussion of compatibility and harmony with the surrounding area.

PLN10: Significant concerns are imminent with the City of Brighton and the surrounding neighborhood.

AI Response: Aggregate appreciates the input of the local community and has engaged with the surrounding neighborhood and the City of Brighton to better understand community concerns. Please see the attached Supplemental Materials 15 for a summary of our public outreach and Supplemental Materials 02 for a summary of our neighborhood meeting.

Commenting Division: Environmental Analyst Review

Name of Reviewer: Katie Keefe

Date: 07/02/2020

Email: kkeefe@adcogov.org

Complete

ENV1. Please provide copies of revised Air Pollution Emission Notices for mining and crusher/screen operations. Note that copies of associated Construction Permits will be required as a Condition Precedent of County permit.

AI Response: Please see the attached Supplemental Materials 07 for a copy of the air permit and revised APEN for mining. Please note that no crushing or screening operations will occur at this site.

ENV2. Permanent installation of a wind gauge such as an anemometer will be required to track wind speeds.

AI Response: Aggregate will install wind gauges as well as state of the art dust monitors at this site. Please see attached Supplemental Materials 06 for the dust monitor specifications.

ENV3. Mining, crushing/screening, and material moving operations must cease when sustained wind speeds exceed 25 mph and wind gusts exceed 35 mph. Records of operational shutdowns due to high winds must be maintained on-site and made available to the County upon request.

AI Response: Noted; Aggregate's internal environmental policies also require site records to be maintained and made available upon request. These records are kept on site and as part of our Environmental Management System.

ENV4. Please provide either the application for, or approval of, amendment to DRMS permit #M-2004-004 112 reflective of proposed changes as described in the conceptual review meeting mine and reclamation plans.

AI Response: Please see the attached Supplemental Materials 03 for a copy of the DRMS permit and revision request. Aggregate has requested a revision to the DRMS permit to remove the South Parcel. This is expected to be approved by August 31, 2020.

ENV5. Please provide a revised Reclamation Plan for review. An annual reclamation report will be required and shall be the same as is submitted to the Division of Reclamation and Mine Safety.

AI Response: Please see the attached Supplemental Materials 03 for a copy of the reclamation plan. Please also see the Application Materials 04 for a copy of the Site Plans which includes the reclamation plan.

ENV6. A separate permit for inert fill must be obtained prior to the import of any volume of fill material to the site for reclamation or other purposes.

AI Response: Aggregate is not requesting an inert fill permit since sufficient overburden exists on site for reclamation activities.

ENV7. All Tracts of the proposed mining operation are located within the NRCO district the primary aim of which is to protect areas of exceptional environmental value, such as wildlife habitat, by assuring these lands are treated in a particularly sensitive manner that protects the associated natural resources.

AI Response: Please see the attached Supplemental Materials 10 for a detailed discussion of wildlife habitat and protected species within the project area. Also, please see the pages 27-29 of A03 Written Explanation of the Project for a discussion of the biological resources within the project area.

ENV8. The NRCO establishes standards to assure the long-term protection of important wildlife habitat as a cohesive and functional system throughout the County. The NRCO Resources Review conducted in 2017 identified habitat within the areas of proposed mining operations that is suitable for five state protected species that are protected against take by state statute. Development is to be designed to conserve areas wildlife need to survive and, therefore, must be kept outside of the NRCO as much as possible.

AI Response: Please see the attached Supplemental Materials 10 for a detailed discussion of wildlife habitat and protected species within the project area. Also, please see the pages 27-29 of A03 Written Explanation of the Project for a discussion of the biological resources within the project area.

ENV9. Migratory bird surveys conducted in 2017 identified potential raptor nests in the project area. A current raptor nest survey of project areas must be completed during the winter months one year prior to construction commencing. Please provide a more recent nest survey if one was conducted.

AI Response: Aggregate will follow the recommendations of Colorado Parks and Wildlife's most recent "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" (CPW 2020). Please note that Aggregate has reviewed the 2020 CPW guidance and cannot find a reference to the timing of raptor nest surveys. In the past, Aggregate has been given guidance from our biological resources consultant that nest surveys should be completed prior to the first year of construction during the winter months and again immediately before but not more than 14 days prior to disturbance.

ENV10. Reclamation of disturbed land within the NRCO that provides important habitat for wildlife should be restored to the antecedent conditions as much as is feasible to ensure the long-term conservation of important wildlife and corridor habitat.

AI Response: Please see the attached Project Description as well as Supplemental Materials 10 for a detailed discussion of the reclamation plan and long term conservation of important wildlife and corridor habitat. Aggregate believes this project will provide long term habitat for many species as it will be reclaimed to water storage ponds and restored upland meadow. Large setbacks from the South Platte River and the donation of the South Parcel to Open Space will help conserve land for wildlife habitat.

ENV11. The applicant shall provide an updated map(s) depicting the location of water bodies, one hundred (100) year floodplains, and wetlands for revised mining areas. This map shall depict the setbacks/buffers of all resources for which setbacks/buffers are required and demonstrate mitigation plan features. The map shall correspond with protected resource plans describing the level to which all resources are either conserved or developed with corresponding mitigation plan.

AI Response: Please see attached Application Materials 04 for the Site Plans which show water bodies, floodplains, wetlands and setbacks. Please also see attached Supplemental Materials 12 for information on the jurisdictional determination.

ENV12. A minimum no disturbance setback buffer of 150 feet from the South Platte River as measured from the mean highwater mark shall be maintained. Noted is the Mile High Flood Control minimum 200 foot setback requirement.

AI Response: This site maintains a minimum of 200 feet setback from the South Platte River. Please see the attached Site Plans which show the setback. Also, please see the attached Slope Stability Study contained within the DRMS permit showing setbacks around the perimeter provided in Supplemental Materials 03.

ENV13. A minimum no disturbance setback buffer of 50 feet from the perimeter edge of delineated wetlands shall be maintained. The 2017 Resource Review identified eight (8) wetlands within the project

AI Response: Please see the attached Supplemental Materials 12 for information on the jurisdictional determination. The USACE determined no permit is required for this project and therefore setbacks will not need to be maintained.

ENV14. A minimum no disturbance setback buffer of no less than 50 feet but no more than 150 feet from Streams shall be maintained. The 2017 Resources Review identified six (6) streams within the project area.

AI Response: Please see the attached Site Plans which show the setbacks from specific streams. Please see the attached Supplemental Materials 12 for information on the jurisdictional determination. The USACE determined no permit is required for this project and therefore setbacks on certain stream features will not need to be maintained. Also, please see the attached Slope Stability Study contained within the DRMS permit showing setbacks around the perimeter provided in Supplemental Materials 03.

ENV15. Please provide a No Permit Required Letter, Approved Jurisdictional Determination, a Nationwide 404 permit or Individual 404 permit as obtained from USACE for impacted wetlands within the project area.

AI Response: Please see the attached Supplemental Materials 12 (S12) for the no permit required letter from the USACE for impacted wetlands within the project area.

Commenting Division: Long Range Planner Review

Name of Reviewer: Layla Bajelan

Date: 06/25/2020

Email:

Complete

Balanced Housing Plan: N/A

Imagine Adams Comp Plan:

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.

AI Response: Please see page 10 of A03 Written Explanation of the Project for a detailed analysis of the land use designation.

Policy 7.5- Provide for the extraction of subsurface resources in accordance with State law, but require mitigation of undesirable impacts to the natural environment and community as well as plans for viable potential reuse of the land.

AI Response: Please see pages 10-11 of A03 Written Explanation of the Project for a detailed explanation of the project's considerations of impacts.

7.5.b. Reclamation Requirements—Require existing and future mining operations to reclaim lands during and after mining in an effort to create wildlife habitat, restore vegetation, contribute to flood storage, and provide appropriate residential, commercial, recreational, or educational development opportunities.

AI Response: Please see pages 10, 23 and 26 of A03 Written Explanation of the Project and Supplemental Materials 03 (S03) and Supplemental Materials 10 (S10) for a detailed explanation of the reclamation plan, wildlife habitat and vegetation.

7.5.d. Multipurpose Uses for Reclaimed Land—Encourage reclamation of extracted sites to be multipurpose in use (water storage, passive recreation, and wildlife habitat).

AI Response: Please see pages 10, 23 and 26 of A03 Written Explanation of the Project and Supplemental Materials 03 (S03) and Supplemental Materials 10 (S10) for a detailed explanation of the reclamation plan, wildlife habitat and vegetation.

7.5.f. Compliance with Mineral Extraction Master Plan—All mining and reclamation activities shall meet the requirements of the Adams County Mineral Extraction Master Plan.

Mineral Extraction Plan:

Goal #2 Permitting Process- Authorize shorter time frames on CUP's

AI Response: Please see pages 9-10 of A03 Written Explanation of the Project for details on meeting the requirements of the Adams County Mineral Extraction Master Plan. Also see page 5 of A03 Written Explanation of the Project for details on the shorter time frame proposed by Aggregate Industries.

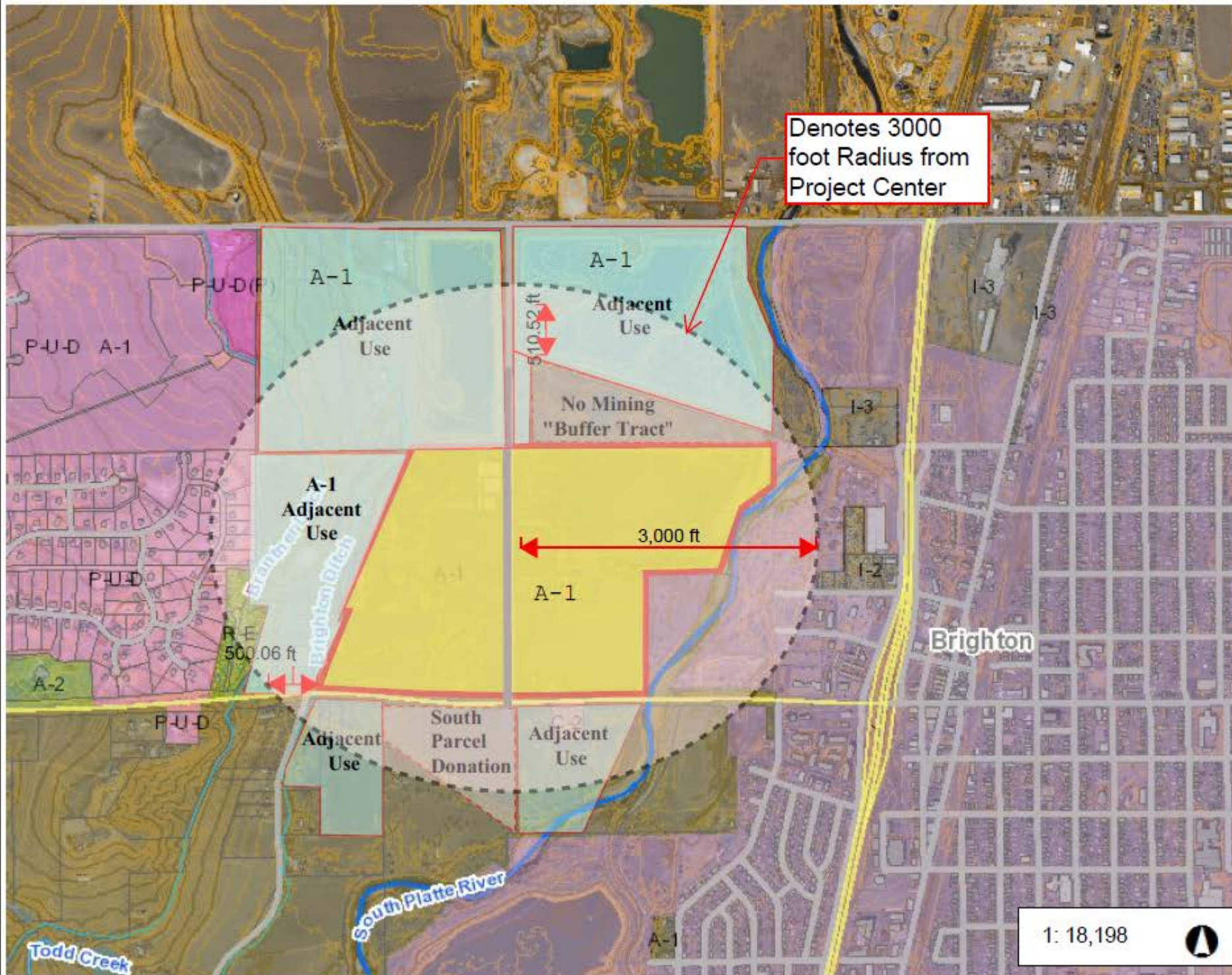
PRE-APPLICATION ENGAGEMENT

Aggregate Industries believes it is important to engage in constructive, two-way communications with its neighbors. As a result, despite the COVID-19 global pandemic limiting in-person conversations, we conducted an array of activities to receive input in Adams County regarding the Tucson South mine project.

In the process of developing the CUP application, we chose to exceed the Adams County neighborhood notification area by sending neighborhood meeting notices to property owners up to 1,320 feet (one-quarter mile) from the proposed project instead sending to owners just 500 feet from the project. We also created an easily accessible project website (www.tucsonsouthmineproject.com) for the project to serve as an information resource for neighbors. Following the neighborhood meeting, we sent another letter to the same pool of neighbors, to announce that the website was live and soliciting feedback.

In the community, we met with Adams County Community and Economic Development staff, the Brighton City Council, the Brighton Urban Renewal Authority board, and had conversations with other community stakeholders. We plan to participate in additional meetings and offer site tours before the Adams County Planning Commission and Board of County Commissioners consider this application.

December 2019 – July 2020	Community Feedback
April 2, 2020	Zoom call with City of Brighton staff
May 4, 2020	Outreach to BURA board member
June 1, 2020	Neighborhood meeting
June 9, 2020	Meeting with local residents
July 1, 2020	Outreach letters to local residents with project website and email information
July 3, 2020	Project website launch
July 9, 2020	City of Aurora Water Resources staff meet with ADCO CED staff
July 10, 2020	ADCO conceptual review meeting
July 14, 2020	City of Brighton City Council presentation
July 15, 2020	Brighton Urban Renewal Authority presentation
July 23, 2020	Meeting with local Brighton business owners



Legend

- Highways (10,000 - 20,000)
 - Interstate
 - Highway
 - Tollway
- Building
- County Parks and Open Space
- Cities
 - Arvada
 - Aurora
 - Bennett
 - Brighton
 - Commerce City
 - Federal Heights
 - Lochbuie
 - Northglenn
 - Thornton
 - Westminster
- Small Lakes
- Major Lakes
- Rivers
 - Canal
 - Ditch
 - Primary Creek
 - River
 - Secondary Creek
 - Stream
- Parcels
- Zoning
 - Municipality
 - A-1

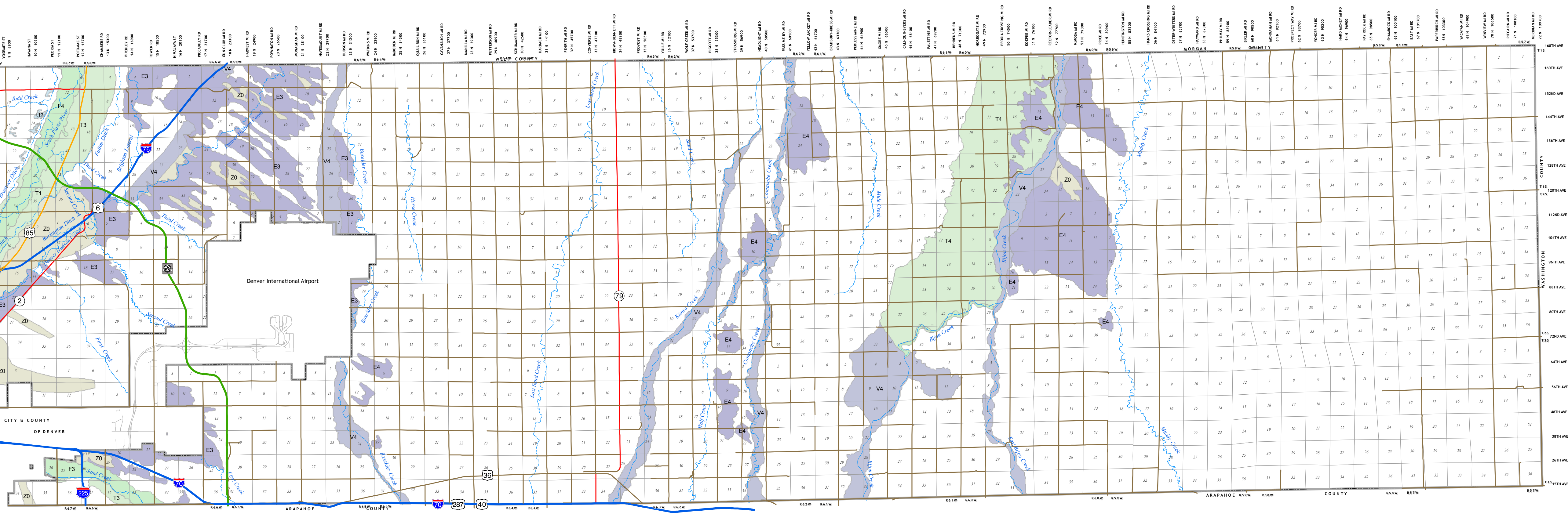
1: 18,198

0.6 0 0.29 0.6 Miles

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes Map Depicts proposed CUP Mining Area in Yellow with adjacent and buffer uses highlighted.

SAND AND GRAVEL RESOURCES ADAMS COUNTY COLORADO 2005

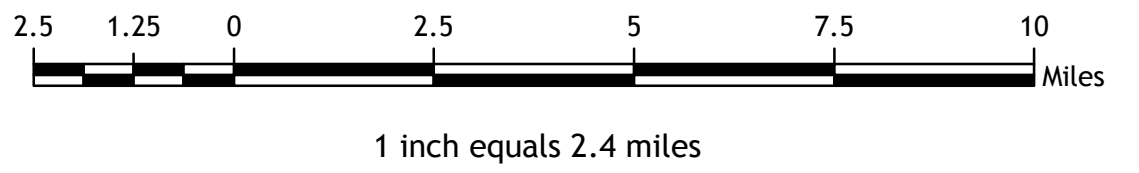


Legend

- Primary Waterways
- Sections
- County Boundary
- Aggregate Resources
- Landform Unit and Resource Class
- Landform Unit: F1, F3, F4, T1, T2, T3, T4, U1, U2, U3, U4, V1, V2, V3, V4, Z0
- Roads: Major, State Hwy, Interstate, US Hwy, Tollway

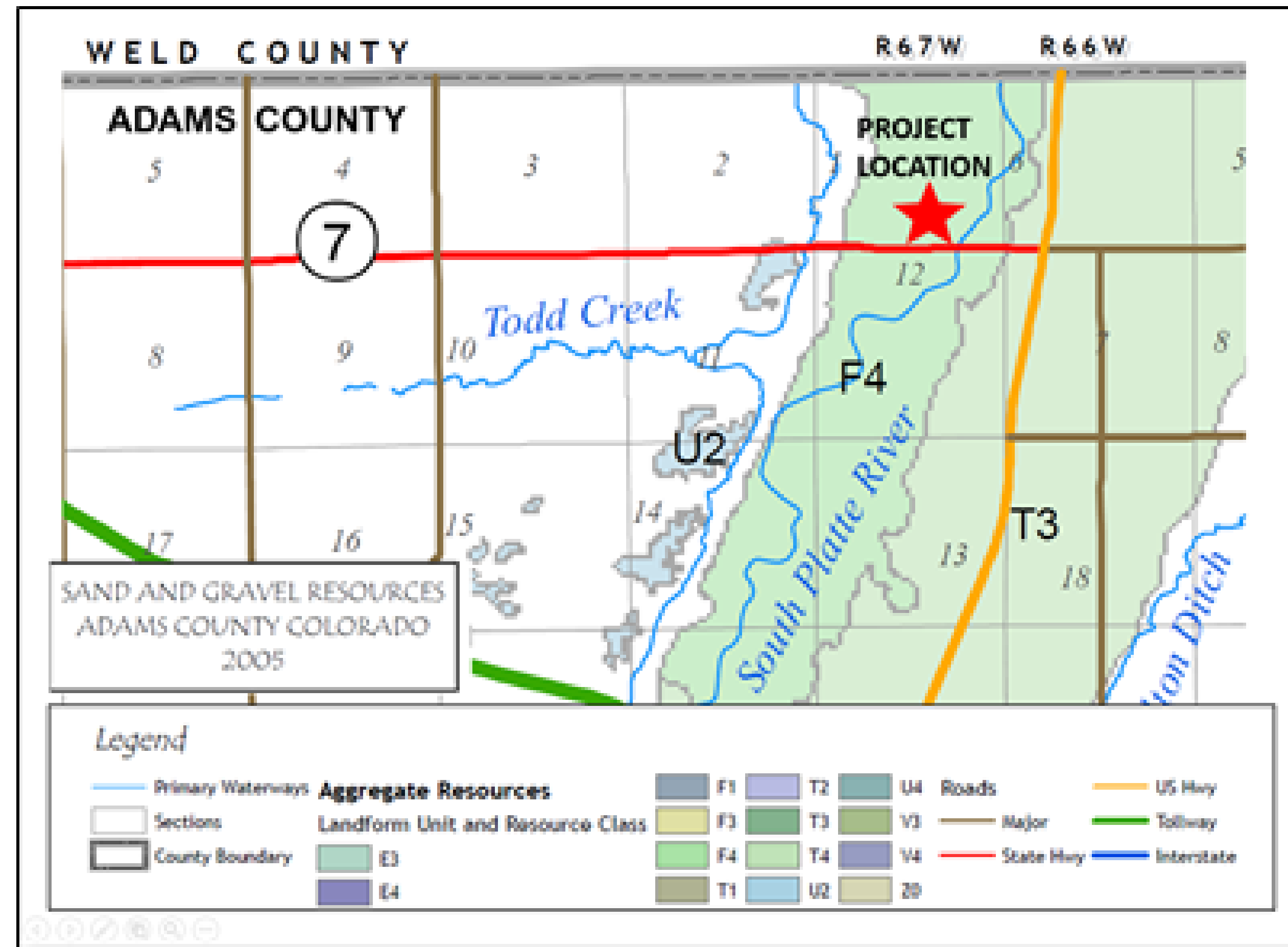
- ### Landform Unit
- F = Floodplain deposit
 - T = Stream terrace deposit
 - U = Upland deposits
 - V = Valley fill (floodplain and/or terrace deposits)
 - Z = Not mapped

- ### Resource Class
- 0 = Originally unlabelled/unknown
 - 1 = Gravel; relatively clean and sound
 - 2 = Gravel; significant fines, decomposed rock, calcium carbonate
 - 3 = Sand
 - 4 = Probable aggregate resource

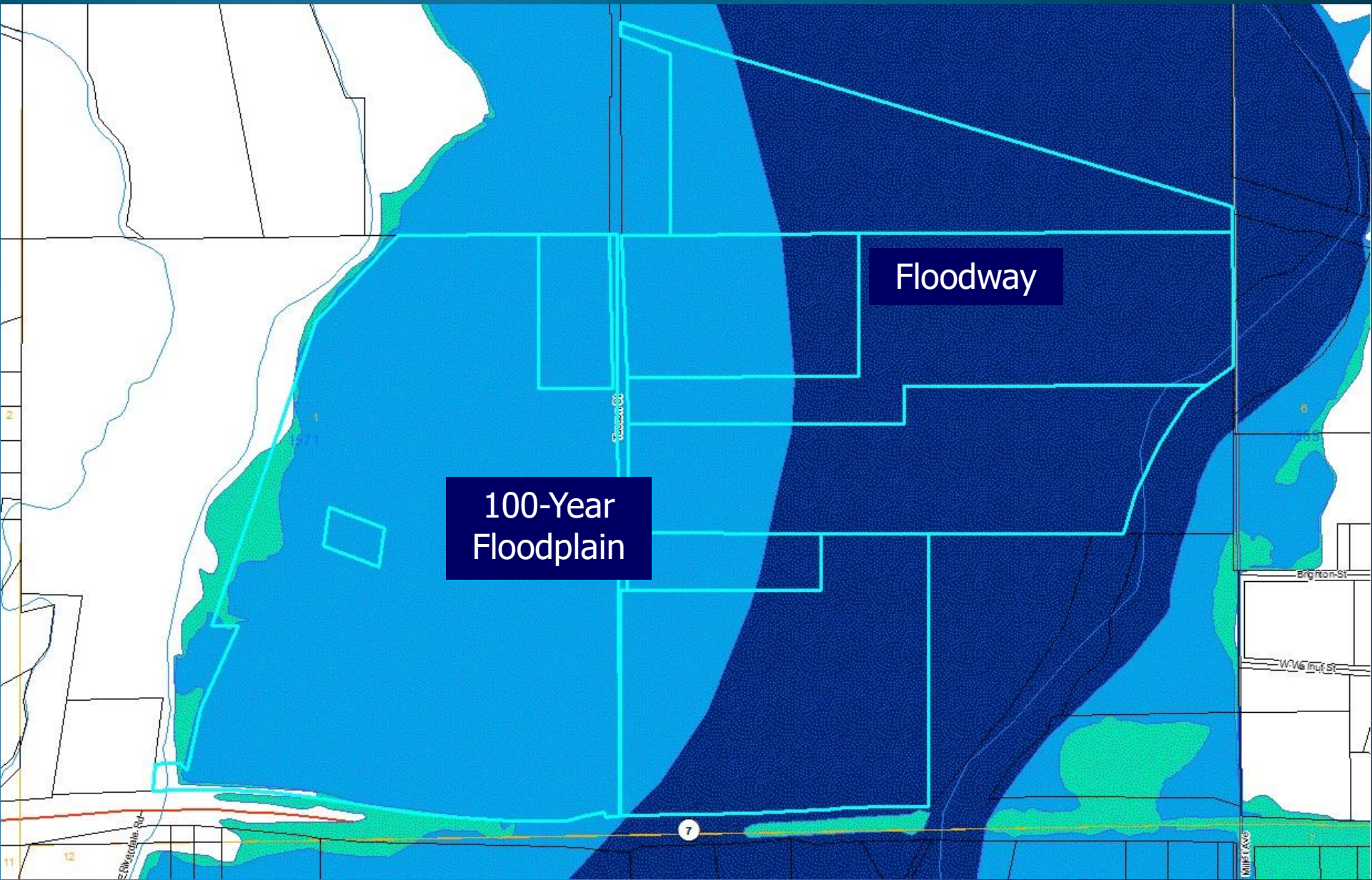


Adams County Department of Planning and Development
Western Service Center
12200 N. Pecos St.
Westminster, CO 80234
303-453-8800

Disclaimer:
Although every reasonable effort has been made to ensure the accuracy of the information provided on this map, Adams County cannot be responsible for consequences resulting from omissions or errors in the information and graphic representations made herein. Users should consult with the Adams County Planning Department to ascertain whether any modifications have been made since the publication of this material.



FLOODPLAIN MAP



100-Year
Floodplain

Floodway

Aggregate Industries – WCR, Inc.
Tucson South Resource
Brighton, CO 80601

Mosquito Control Plan

The Plant Manager is responsible for taking the following actions listed below to reduce the potential of mosquito infestation at sand and gravel facilities. Funding for mosquito control shall be made available by Aggregate Industries. Areas shall be inspected on a monthly basis starting the first week of April through September, every year. Initial training on identifying mosquito habitat and mosquito larvae is recommended. Contact Tri County Health Department for site specific training (phone 303-288-6816).

General Site Activities:

1. Remove items that could collect water such as old tires, cups, and buckets
2. Cover containers or turn upside down so they do not hold water
3. Cover chain link fence posts with metal or plastic caps since they are hollow pipes
4. Fix leaks around faucets, air conditioner units and hoses
5. Keep dumpsters covered, and remove any water inside and under dumpsters
6. Examine machinery and clean any areas that hold water
7. Unused pipes should be kept inside or turned over so that no water accumulates
8. Keep rain gutters clear of debris, which can become breeding areas of standing water
9. Remove/mow weeds around areas close to water
10. Store wheelbarrow vertically or turned over to prevent water accumulation
11. Maintain Best Management Practices (BMPs) as identified in the Stormwater Management Plan. Some specific areas of maintenance to BMPs include, but are not limited to:
 - a. Ensure erosion check dams and stormwater drainage channels are free from debris and cleaned as needed. If stagnant water is visible in structures, immediate action must be taken to create flow of water or prohibit mosquito breeding areas.
 - b. Detention and retention ponds, as well as constructed wetlands shall be inspected to ensure water does not become stagnant and promote mosquito breeding activity.
 - c. Process water discharge points will remain active during groundwater dewatering activities. Discharge points will be kept clean of material/debris which could promote the breeding of mosquitoes. Process water will be discharged in accordance with the National Pollutant Discharge Elimination System (NPDES) permit.

Due to the nature of sand and gravel mining, standing water along slurry wall construction and roadways are sometimes unavoidable. Areas of standing and/or stagnant water will be treated as follows:

Standing Water/Pond Treatment

1. Stock - ponds, wetlands, and other areas of standing water, with mosquito eating fish or bacteria products that eat mosquito larvae. Follow instructions for safe use and appropriate application rate.
Examples of products include:
Dunks – Dunks are donut shaped pellets that kill mosquito larvae but are non-toxic to animals. They dissolve slowly in water. Available in hardware and garden stores.
BTI (Vectobac) – A natural bacteria that kills mosquito and fly larvae yet is non-toxic to animals when used properly. Kills larvae developing in water and may be more appropriate for larger bodies of water. Available in hardware and garden stores. **Vectobac Briquettes** – comes 100 bricks to a case. The briquettes are a “donut” that can be used in water or areas where water is anticipated to rise. Each briquette treats 100 square feet per season. Contact American Pride Coop in Brighton – 303-653-3643.
Bactimos – A natural bacteria, comes in granular form in 40 lb. bags. Contact American Pride Coop in Brighton – 303-659-3643.
2. If additional measures are required to control mosquitoes, Tri-County Health Department will be consulted for technical assistance (**303-288-6816**), or a licensed commercial control contractor will be contacted. Some contact names include, but are not limited to:
Colorado Mosquito Control – 303-588-8730
Greystone Environmental - 303-850-0930
High Plains Pest Control - 303-659-0358
Swingle Tree and Landscape – 303-306-3143

EXHIBIT A

AGGREGATE INDUSTRIES
ADDITIONAL 10 FOOT RIGHT OF WAY FOR
A PARCEL AT REC C0765905

A 10 foot wide parcel of land to be used as additional right of Way located on the East edge of the Southwest quarter of Section 1, Township 1 South, Range 67 West, of the 6th Principal Meridian, County of Adams, State of Colorado, and more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 1, Township 1 South, Range 67 West, of the 6th principal Meridian;

Thence North 00° 08'07" West, a distance of 72.70 feet along the North-South Center of Section line of said Section 1, to a point of intersection with the North line of State Highway 7;

Thence South 89° 31'43" West, a distance of 30.00 feet along the north line of State Highway 7 to a point of intersection with the West Right of Way line of Tucson Street, and the True Point of Beginning;

Thence continuing along the previous course, South 89° 31'43" West, a distance of 10.00 feet;

Thence North 00° 08'07" West, a distance of 1869.13 feet, said line being 40.00 feet West of and parallel to the North-South Center of Section line for said Section 1 to a point of intersection with south line of a parcel of land recorded at Book 2017000042398 at Adams County Clerk and Recorder;

Thence North 89° 38'48" East, a distance of 10.00 feet, along the North line of said south line of a parcel of land recorded at Book 2017000042398 at Adams County Clerk and Recorder, to a point of intersection with the West Right of Way of Tucson Street, from whence the Northeast Corner of the Southwest Quarter of said Section 1 bears North 02° 25' 13" East a distance of 672.78 feet;

Thence South 00° 08'07" West, a distance of 1869.11 feet, Along the West Right of Way line of Tucson Street, said Right of Way line being 30.00 feet West of and parallel to the North-South Center of section line of said Section 1, to a point of intersection with the North Right of Way line of Highway 7 and the Point of Beginning.


Containing 18691.22 Sq. Ft. or 0.4291 Acres, more or less.

Exhibit B attached and hereby made a part thereof.

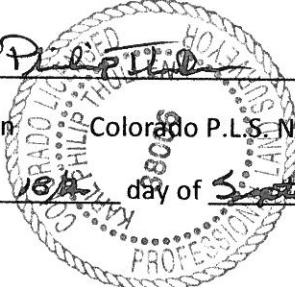
SURVEYOR'S CERTIFICATE

I, Karl Philip Thullen, a duly registered Professional Land Surveyor in the State of Colorado do hereby certify that the above easement description was prepared by me or under my direct supervision and is in accordance with the applicable standards of practice and is accurate based upon my knowledge, information and belief.

For and on behalf of Aggregate industries/Lafargeholcim.



Karl Philip Thullen, Colorado P.L.S. No. 38006
Dated this 16th day of September, 2019.



NOTE

The word "certify" or "certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief. As such, it does not constitute a guarantee, nor a warranty, expressed or implied.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT B

SW1/4, SEC. 1

SHEET 1

SHEET 2

C-S 1/16 CORNER
SEC 1, T 1 S, R 67 W

CITY OF AURORA
SPECAIL WARRANTY DEED
REC. 2017000062415

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0765905
(EXCEPT REC.
20051222001399920)

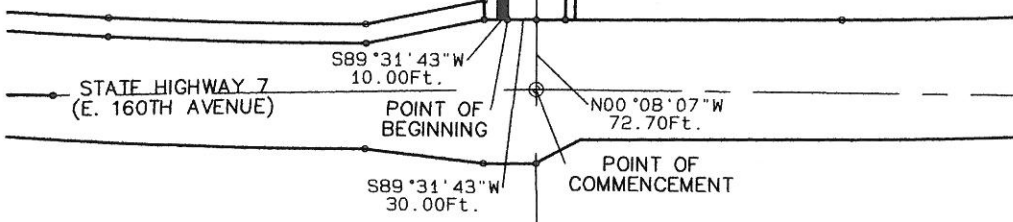
SW1/4
SE1/4,
SEC. 1

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C1020994

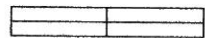


N00°08'07"W 1869.13Ft.
500°08'07"E 1869.11Ft.
TUCSON ST (60 FOOT ROW)
N-S CENTERLINE SEC. 1

10.00' 30.00' 10.00' 30.00'



200 100 0



SCALE IN FEET

THIS ILLUSTRATION DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS INTENDED
ONLY TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT B

N89°38'20"E 240.95'

C1/4 COR. SEC. 1
FOUND BERNSTEN TYPE
A-1 PIPE W/ 3-1/4"
ALUM. CAP MKD. "LS
16837 1993" IN
MONUMENT BOX

CITY OF AURORA
SPECAIL WARRANTY
DEED
REC. 2017000042398

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994439

NORTH-SOUTH CENTERLINE SECTION 1
TUCSON STREET (70 FOOT ROW)

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994441
REC. C0994443

N89°36'46"E
10.00FT.

NW1/4
SE1/4,
SEC. 1

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994441
REC. C0994443

RIGHT OF WAY LINE
(TYP.)

C-S 1/16 CORNER
SEC 1, T 1 S, R 67 W



SW1/4, SEC. 1

N00°08'07"W 1869.13FT.

TUCSON ST (60 FOOT ROW) S00°08'07"E 1869.11FT.

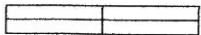
N-S CENTERLINE SEC. 1

CITY OF AURORA
SPECAIL WARRANTY DEED
REC. 2017000062415

SHEET 1
SHEET 2



200 100 0



SCALE IN FEET

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EXHIBIT A

AGGREGATE INDUSTRIES
ADDITIONAL 10 FOOT RIGHT OF WAY
FOR A PARCEL AT REC. C1020994

A 10 foot wide parcel of land to be used as additional right of Way, located on the West side of the Southwest quarter of the Southeast Quarter of Section 1, Township 1 South, Range 67 West, of the 6th Principal Meridian, County of Adams, State of Colorado, and more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of Section 1, Township 1 South, Range 67 West, of the 6th principal Meridian;

Thence North 00° 08'07" West, a distance of 72.70 feet along the North-South Center of Section line of said Section 1, to a point of intersection with the North line of State Highway 7;

Thence North 89° 31'35" East, a distance of 30.00 feet along the north line of State Highway 7 to a point of intersection with the East Right of Way line of Tucson Street, and the True Point of Beginning;

Thence continuing along the previous course, North 89 31'43" East, a distance of 10.00 feet;

Thence North 00° 08'07" West, a distance of 983.95 feet, said line being 40.00 feet East of and parallel to the North-South Center of Section line for said Section 1, to a point of intersection with the North line of the Southwest Quarter of the Southeast Quarter of said Section 1;

Thence South 89° 54'52" West, a distance of 10.00 feet, along said north line of the Southwest Quarter of the Southeast Quarter of Section 1 to a point of intersection on the East Right of Way of Tucson Street, from whence the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 1 bears North 06° 58'39" West, a distance of 251.82 feet;

Thence South 00° 08'07" West, a distance of 984.02 feet, Along the East Right of Way line of said Tucson Street, said Right of Way line being 30.00 feet East of and parallel to the North-South Center of Section line of said Section 1, to a point of intersection with the North Right of Way line of Highway 7 and the Point of Beginning.

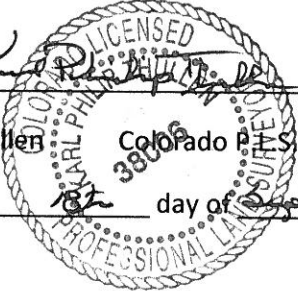
Containing 9839.88 Sq. Ft. or 0.2259 Acres, more or less.

Exhibit B attached and hereby made a part thereof.

SURVEYOR'S CERTIFICATE

I, Karl Philip Thullen, a duly registered Professional Land Surveyor in the State of Colorado do hereby certify that the above easement description was prepared by me or under my direct supervision and is in accordance with the applicable standards of practice and is accurate based upon my knowledge, information and belief.

For and on behalf of Aggregate industries/Lafargeholcim.



Karl Philip Thullen Colorado P.L.S. No. 38006
Dated this 18th day of September, 2019.

NOTE

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NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT B

SW1/4, SEC. 1

C-S 1/16 CORNER
SEC 1, T 1 S, R 67 W

CITY OF AURORA
SPECAIL WARRANTY DEED
REC. 2017000062415

TUCSON ST (60 FOOT ROW)
N-S CENTERLINE SEC. 1

N89°54'52"E
10.00Ft.

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0765905
(EXCEPT REC.
20051222001399920)

SW1/4
SE1/4,
SEC. 1

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C1020994



984.02Ft.
983.95Ft.
S00°08'07"E
N00°08'07"W

10.00'
30.00'
10.00'
30.00'

N89°31'35"E
30.00Ft.

N89°31'35"E
10.00Ft.

POINT OF
BEGINNING

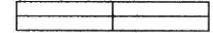
N00°08'07"W
72.70Ft.

POINT OF
COMMENCEMENT

STATE HIGHWAY 7
(E. 160TH AVENUE)



200 100 0



SCALE IN FEET

THIS ILLUSTRATION DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS INTENDED
ONLY TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A

CITY OF AURORA
ADDITIONAL 10 FOOT RIGHT OF WAY FOR
A PARCEL AT REC. 2017000062415

A 10 foot wide parcel of land to be used as additional right of Way, located on the West side of the Southwest quarter of the Southeast Quarter of Section 1, Township 1 South, Range 67 West, of the 6th Principal Meridian, County of Adams, State of Colorado, and more particularly described as follows:

Commencing at the Southwest Corner of the Southeast Quarter of Section 1, Township 1 South, Range 67 West, of the 6th principal Meridian;

Thence North 00° 08'07" West, a distance of 72.700 feet along the North-South Center of Section line of said Section 1, to a point of intersection with the North Right of Way line of Colorado State Highway 7;

Thence continuing along the previous bearing, North 00° 08'07" West, a distance of 984.02 feet along the North-South Center of Section line of said Section 1;

Thence North 89° 54'52" East, a distance of 30.00 feet to a point of intersection with the East Right of Way line of Tucson Street and the south line of a parcel of land recorded at the Adams county Clerk and Recorder at Reception number 2017000062415, and the True Point of Beginning;

Thence continuing along the previous course, North 89° 54'52" East, a distance of 10.00 feet;

Thence North 00° 08'07" West, a distance of 250.00 feet, said line being 40.00 feet East of and parallel to the North-South Center of Section line for said Section 1, to a point of intersection with the North line of the Southwest Quarter of the Southeast Quarter of said Section 1;

Thence South 89° 54'52" West, a distance of 10.00 feet, along said north line of the Southwest Quarter of the Southeast Quarter of Section 1 to a point of intersection on the East Right of Way of Tucson Street, from whence the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 1 bears South 89° 54'52" West, a distance 30.00 feet;

Thence South 00° 08'07" West, a distance of 250.00 feet, Along the East Right of Way line of said Tucson Street, said Right of Way line being 30.00 feet East of and parallel to the North-South Center of Section line of said Section 1, and the true Point of Beginning.

Containing 2500.00 Sq. Ft. or 0.0574 Acres, more or less.

Exhibit B attached and hereby made a part thereof.

SURVEYOR'S CERTIFICATE

I, Karl Philip Thullen, a duly registered Professional Land Surveyor in the State of Colorado do hereby certify that the above easement description was prepared by me or under my direct supervision and is in accordance with the applicable standards of practice and is accurate based upon my knowledge, information and belief.

For and on behalf of Aggregate industries/Lafargeholcim.


Karl Philip Thullen Colorado P.L.S. No. 38006

Dated this 18th day of September, 2019.

NOTE

The word "certify" or "certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief. As such, it does not constitute a guarantee, nor a warranty, expressed or implied.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT B

SW1/4, SEC. 1

C-S 1/16 CORNER
SEC 1, T 1 S, R 67 W

S89°54'52"W
10.00Ft.

CITY OF AURORA
SPECAIL WARRANTY DEED
REC. 2017000062415

S00°08'07"E
250.00Ft.

POINT OF
BEGINNING

N00°08'07"W
250.00Ft.

N89°54'52"E
30.00Ft.

N89°54'52"E
10.00Ft.

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0765905
(EXCEPT REC.
20051222001399920)

SW1/4
SE1/4,
SEC. 1

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C1020994



TUCSON ST (60 FOOT ROW)
N-S CENTERLINE SEC 1

500°08'07"E 984.02Ft.

10.00' 10.00'
30.00' 30.00'

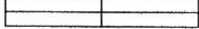
STATE HIGHWAY 7
(E. 160TH AVENUE)

N00°08'07"W
72.70Ft.

POINT OF
COMMENCEMENT



200 100 0



SCALE IN FEET

THIS ILLUSTRATION DOES NOT REPRESENT
A MONUMENTED SURVEY. IT IS INTENDED
ONLY TO DEPICT THE ATTACHED DESCRIPTION.

EXHIBIT A

CITY OF AURORA
ADDITIONAL RIGHT OF WAY FOR
A PARCEL AT REC. 2017000042398

A 10 foot wide parcel of land to be used as additional right of Way located on the East edge of the Southwest quarter of Section 1, Township 1 South, Range 67 West, of the 6th Principal Meridian, County of Adams, State of Colorado, and more particularly described as follows:

Commencing at the Southeast Corner of the Southwest Quarter of Section 1, Township 1 South, Range 67 West, of the 6th principal Meridian;

Thence North 00 08'07" west , a distance of 72.70 feet along the North-South Center of Section line of said Section 1, to a point of intersection with the North line of State Highway 7;

Thence North 00 08'07" West, a distance of 1869.04 feet along the North-South Center of Section line of said Section 1;

Thence South 89 51' 53" West, a distance of 30.00 feet, to a point of intersection with the west Right of Way line of Tucson Street and the south line of a parcel recorded at the Adams County Clerk and Recorder at Book 2017000042398, and the True Point of Beginning ;

Thence South 89 36'46" West, a distance of 10.00 feet;

Thence North 00 08'07" West, a distance of 672.00 feet, said line being 40.00 feet West of and parallel to the North-South Center of Section line for said Section 1 to a point of intersection with North line of the Southwest Quarter of said Section 1, Town Ship 1 South, Range 67 West;

Thence North 89 38'48" East, a distance of 10.00 feet, along the North line of the Southwest Quarter of said Section 1, Town Ship 1 South, Range 67 West, to a point of intersection with the West Right of Way of Tucson Street, from whence the Northeast Corner of the Southwest Quarter of said Section 1 bears North 89 38' 46" East a distance of 30.00 feet;

Thence South 00 08'07" East, a distance of 672.00 feet, Along the West Right of Way line of Tucson Street, said Right of Way line being 30.00 feet West of and parallel to the North-South Center of section line of said Section 1, to a point of intersection with west Right of Way line of Tucson Street and the south line of a parcel recorded at the Adams County Clerk and Recorder at Book 2017000042398, and the Point of Beginning.


Containing 6720.00 Sq. Ft. or 0.1543 Acres more or less.

Exhibit B attached and hereby made a part thereof.

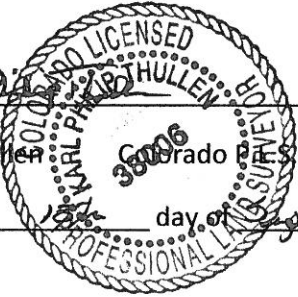
SURVEYOR'S CERTIFICATE

I, Karl Philip Thullen, a duly registered Professional Land Surveyor in the State of Colorado do hereby certify that the above easement description was prepared by me or under my direct supervision and is in accordance with the applicable standards of practice and is accurate based upon my knowledge, information and belief.

For and on behalf of Aggregate industries/Lafargeholcim.



Karl Philip Thullen Colorado P.L.S. No. 38006
Dated this 15th day of September, 2019.



NOTE

The word "certify" or "certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief. As such, it does not constitute a guarantee, nor a warranty, expressed or implied.

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

EXHIBIT B

SW1/4, SEC. 1

SHEET 1
SHEET 2

C-S 1/16 CORNER
SEC 1, T 1 S, R 67 W

CITY OF AURORA
SPECAIL WARRANTY DEED
REC. 2017000062415

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0765905
(EXCEPT REC.
20051222001399920)

SW1/4
SE1/4,
SEC. 1

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C1020994



10.00' 30.00' 30.00'

TUCSON ST (60 FOOT ROW)
N-S CENTERLINE SEC. 1
500' 08' 07" E 1869.04 FT.

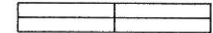
N00°08'07"W
72.70 Ft.

POINT OF
COMMENCEMENT

STATE HIGHWAY 7
(E. 160TH AVENUE)



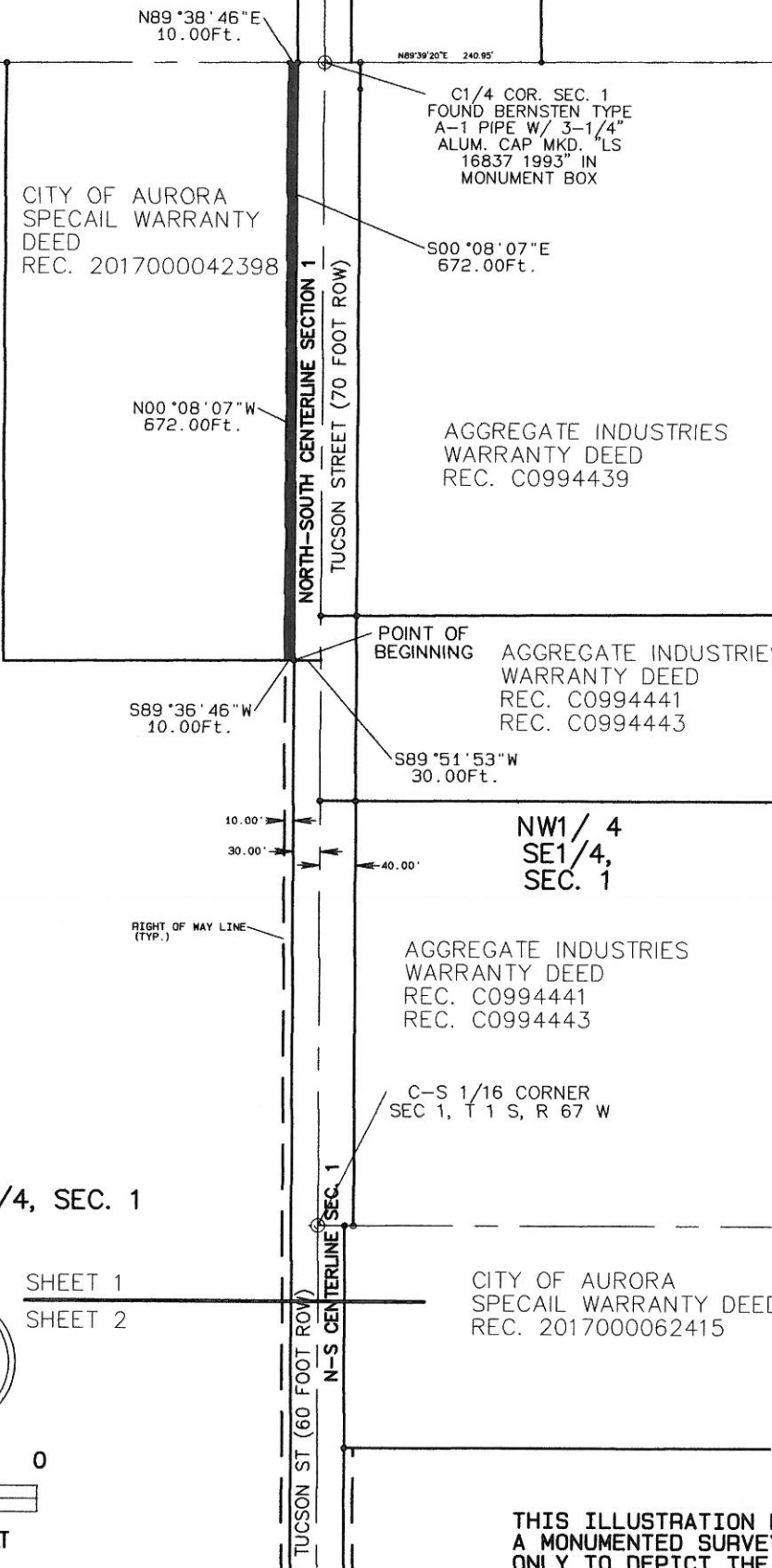
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SCALE IN FEET

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A MONUMENTED SURVEY. IT IS INTENDED
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EXHIBIT B



CITY OF AURORA
SPECIAL WARRANTY
DEED
REC. 2017000042398

C1/4 COR. SEC. 1
FOUND BERNSTEN TYPE
A-1 PIPE W/ 3-1/4"
ALUM. CAP MKD. "LS
16837 1993" IN
MONUMENT BOX

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994439

AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994441
REC. C0994443

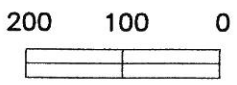
AGGREGATE INDUSTRIES
WARRANTY DEED
REC. C0994441
REC. C0994443

CITY OF AURORA
SPECIAL WARRANTY DEED
REC. 2017000062415



SW1/4, SEC. 1

SHEET 1
SHEET 2



SCALE IN FEET

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