



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

April 29, 2021

Mr. Kent Ricken  
Colorado Water Protective & Development Assoc.  
205 South Main St  
Fowler, CO 81039

Mr. Noah Mineo  
Continental Materials Corporation  
440 South LaSalle Street  
Chicago, IL 60605

**RE: Pueblo West Pit, Permit No. M-1977-573, Incomplete Application for  
Transfer of Permit and Succession of Operators—SO-04**

Dear Messrs. Ricken, and Mineo:

On April 27, 2021, the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Continental Materials Corporation to Colorado Water Protective & Development Assoc. (CWPDA) for the Pueblo West Pit, Permit M-1977-573. The following items are incomplete for the application to be processed:

1. A review of the Colorado Secretary of State website shows that Paul Ainsworth is the person of record for Continental Materials Corporation not Noah Mineo. The Division requires the operator to provide documentation giving the signer, Noah Mineo, the authority to sign on behalf of Continental Materials Corporation. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement of a notarized statement on company letterhead.
2. A review of the Colorado Secretary of State website shows that Matthew Proctor is the registered agent for CWPDA not Kent Ricken. The Division requires the prospective successor operator to provide documentation giving the signer, Kent Ricken, the authority to sign on behalf of CWPDA. The authorization document may be in the form of by-laws, resolution, affidavit signed by corporate secretary, certified secretary statement of a notarized statement on company letterhead.
3. On page 9 of the application the "Signed, Sealed, and Dated.." portion is blank, this invalidates



the notary. Also, the notary stamp is missing. Another form will need it to be completed and the original sent back.

4. Please provide the appropriate Financial Warranty amount. The Prospective Successor must provide Financial Warranties sufficient to cover the cost of completing reclamation in compliance with the approved Permit and the applicable Act and Rules. See C.R.S. §§ 34-32-1 1 9 and 34-32.5-1 1 9.
5. Demonstration of the Legal Right to Enter was not provided. Please provide documentation of the legal right to enter from the land and mineral owners of record. This may include a copy of a lease, deed, abstract of title, a current tax receipt, or a signed statement by the landowner(s) and acknowledged by a Notary Public stating that the operator/applicant has legal right to enter to conduct mining and reclamation.
6. No new structure agreements were provided, please provide a list of structures and the associated structure agreements. Where the affected lands are within two hundred (200) feet of any significant, valuable and permanent man-made structure, the applicant shall:
  - (a) provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
  - (b) where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
  - (c) where such structure is a utility, the applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have "no negative effect" on their utility.

Please provide the above documents by June 28, 2021. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. If additional time is needed to respond, an extension request must be received by our Office by the decision date. If on the decision date, outstanding items remain, and no extension request has been received, your application will be denied and the file terminated. The Division reserves the right to further supplement this document with additional items and details as necessary.

Please contact Patrick Lennberg (303) 866-3567 ext. 8114 or by email at [patrick.lennberg@state.co.us](mailto:patrick.lennberg@state.co.us) if you have any questions.

Sincerely,



Patrick Lennberg  
Environmental Protection Specialist

cc: Sara Stevenson-Benn, Financial Assurance Specialist, DRMS  
Jared Ebert, DRMS

ec: Kent Ricken, CWPDA, [kent@cwpa.org](mailto:kent@cwpa.org)  
Noah Mineo, Continental Materials Corp., [Noah\\_Mineo@contmtl.com](mailto:Noah_Mineo@contmtl.com)  
Jerald Schnabel, Castle Aggregates, [Jerald\\_Schnabel@castleaggregate.com](mailto:Jerald_Schnabel@castleaggregate.com)  
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