



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

January 26, 2022

Amy Veek
GCC Rio Grande, Inc.
3372 Lime Road
Pueblo, CO 81004

**RE: Cedarwood Clay Mine, Permit No. M-1977-317, Incomplete Application for
Transfer of Permit and Succession of Operators–SO-2**

Dear Ms. Veek:

On January 20, 2022, the Division of Reclamation, Mining and Safety (DRMS/Division) received the Application Form for Transfer of Mineral Permit and Succession of Operators from Seifert Enterprises, LLC to GCC Rio Grande, Inc. for the Cedarwood Clay Mine, Permit M-1977-317. The following items are incomplete for the application to be processed:

1. The annual fee, report and map are past due for the Cedarwood Clay Mine, M1977-317. The Division will not allow any revisions to the permit, including this Succession of Operators Request, to proceed until the permit gets back into compliance.
2. A review of the Colorado Secretary of State website shows that Christopher Munoz is the registered agent for GCC Rio Grande, Inc. not Alex Aracon (Attachment 1). The Division requires the prospective successor operator to provide documentation giving the signer, Alex Aracon, the authority to sign on behalf of GCC Rio Grande, Inc. 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. Completed Affidavits of Authority (Attachment 2) are needed for Alex Aracon and Andres Osuna for signing the Performance and Financial Warranties.
4. During SO-2 in 2020 for the Cedarwood Clay Mine it was determined there were three structures within 200 feet of the affected land boundary, a road along the southwestern portion of the permit that services rural residential homes, an abandoned waterline in the same area as the road and a four-strand barbed wire fence along the south and east permit boundary. New structure agreements are required for these structures. Please provide a list of structures and the associated structure agreements. A Structure Agreement template has been



provided for your convenience in Attachment 3.

The annual fee, map and report needs to be addresses by February 14, 2022. Failure to address this item by that time will result in the Division issuing civil penalties and soon thereafter will begin the process of permit revocation and forfeiture of the currently held Financial Warranty. No extension to this due date will be granted for this item.

Please provide the requested documents for items #2 through #4 by February 14, 2022. 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 if you have any questions.

Sincerely,



Patrick Lennberg
Environmental Protection Specialist

Attachments: 1 – Colorado Secretary of State, GCC Rio Grande, Inc.
2 – Affidavit of Authority
3 – Structure Agreement Form

cc: Sara Stevenson-Benn, DRMS
Jared Ebert, DRMS

ec: Amy Veek, GCC Rio Grande, aveek@gcc.com
Trenton Stafford, Seifert Enterprises, trent@sbcompanies.com

Attachment 1

For this Record...
Filing history and documents
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Business Information
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FAQs, Glossary and Information

Summary

Details			
Name		GCC RIO GRANDE, INC.	
Status	Good Standing	Formation date	04/19/1999
ID number	19991073369	Form	Foreign Corporation
Periodic report month	April	Jurisdiction	New Mexico
Principal office street address	PO BOX 100, 11783 STATE HWY 14 SOUTH, TIJERAS, NM 87059-0100, United States		
Principal office mailing address	600 S Cherry Street, Suite 1000, Glendale, CO 80246, Colorado, United States		

Registered Agent	
Name	Cristopher Munoz
Street address	600 S Cherry Street, Suite 1000, Glendale, CO 80230, United States
Mailing address	n/a

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Attachment 2



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Documentation of Legal Authority to Execute Financial Warranty Documents

The Colorado Mined Land Reclamation Board (“Board”) has adopted the attached Affidavit of Authority to Execute Financial Warranty Documents pursuant to the Mined Land Reclamation Act (C.R.S. § 34-32-101 et. seq.) and the Land Reclamation Act for the Extraction of Construction Materials (C.R.S. § 34-32.5-101 et. seq.). The Board and the Division of Reclamation Mining and Safety (“Division”) have determined that, in order to carry out the financial warranty requirements set forth in C.R.S. §§ 34-32-117 and 34-32.5-117 with reasonable diligence, it is prudent to verify the legal authority of the individual signing all necessary documents.

Accordingly, you must provide confirmation of the legal authority of the individual signing all Financial Warranty Documents to the Division. You may do so either by submitting a resolution of the decision-making body of your company that authorizes an individual to sign the Financial Warranty Documents on the company’s behalf, or by completing and notarizing the attached affidavit. The Division reserves the right to require the attached affidavit in all circumstances. Please note that if you are a sole proprietor who is executing documents on your own behalf, documentation of legal authority is unnecessary.



Affidavit of Authority to Execute Financial Warranty Documents

Before me this day, the undersigned _____ [name of authorized person], in his/her capacity as _____ [title of authorized person] ("Affiant"), personally appeared and, being first duly sworn upon oath said:

1. This affidavit is being executed and submitted on behalf of _____ [name of business organization], a(n) _____ [legal form of business organization, *e.g.*, corporation, partnership, limited liability company, etc.], in good standing in the State of Colorado (the "Company").
2. It is in the interest of the Company to execute certain financial warranty documents associated with file number _____ (DRMS file number), which are required by the Colorado Mined Land Reclamation Board and Division of Reclamation Mining and Safety pursuant to Colorado law ("Financial Warranty Documents").
3. Affiant is duly authorized to sign such Financial Warranty Documents on behalf of the Company and to bind the Company to the same.
4. Affiant is not prohibited or limited by the Company's governing documents or by any applicable law from executing the Financial Warranty Documents.
5. Affiant will inform the Division of Reclamation Mining and Safety within thirty (30) days in the event that his/her authorization to execute Financial Warranty Documents on the Company's behalf is terminated.

Further, Affiant sayeth not.

Affiant's Name

Signature

STATE OF _____)
_____) ss.:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____,
by _____ as _____ of _____.

Notary Public _____

My Commission Expires _____

Attachment 3

An example Structure Agreement which meets the requirements of the Statutes is shown below.

Structure Agreement

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such structure is a utility, the Applicant may supply a notarized letter, on utility letterhead, from the owner(s) of the utility that the mining and reclamation activities, as proposed, will have “no negative effect” on their utility. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.

The following structures are located on or within 200 feet of the proposed affected area:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

(Please list additional structures on a separate page)

CERTIFICATION

The Applicant, _____ (print applicant/company name),
by _____ (print representative's name), as _____ (print
representative's title), does hereby certify that _____ (structure owner) shall
be compensated for any damage from the proposed mining operation to the above listed structure(s)
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation
Permit Application for _____ (operation name),
File Number M-____-_____.

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its
authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and
the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations.
Any alteration or modification to this form shall result in voiding this form.***

NOTARY FOR PERMIT APPLICANT

ACKNOWLEDGED BY:

Applicant _____ Representative Name _____

Date _____ Title _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

Notary Public My Commission Expires: _____

NOTARY FOR STRUCTURE OWNER

ACKNOWLEDGED BY:

Structure Owner _____ Name _____

Date _____ Title _____

STATE OF _____)

) ss.

COUNTY OF _____)

The foregoing was acknowledged before me this ____ day of _____, 20____, by
_____ as _____ of _____.

_____ My Commission Expires: _____

Notary Public