



STATE OF
COLORADO

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Letter of Deficiencies, SO1, Fairbanks Pit (M-2003-058)

1 message

Ridley - DNR, Hunter <hunter.ridley@state.co.us>

Thu, Apr 20, 2023 at 9:28
AM

To: tkoch@wearemoore.com

Cc: Jaime Sessions <jaime_sessions@yahoo.com>

Tristan Koch,

Please see the attached Letter of Deficiencies for SO1 for the Fairbanks Pit (M-2003-058). Please let me know if you have any questions.

Kind regards,

Hunter Ridley

Environmental Protection Specialist



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

P 720.868.7757 | F 303.832.8106

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

hunter.ridley@state.co.us | <https://drms.colorado.gov>



Deficiencies_SO1_m2003_058.pdf

827K



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

April 20, 2023

Tristan Koch
Corner Properties, LLC
2900 East Apache St.
Tulsa, OK 74110

RE: Fairbanks Pit, Permit M-2003-058, Incomplete Application for Transfer of Mineral Permit and Succession of Operators, Revision SO-1

Dear Tristan Koch:

On April 13, 2023 the Division of Reclamation, Mining and Safety received the Application Form for Transfer of Mineral Permit and Succession of Operators from Glenn E. Sessions & Sons, Inc. to Corner Properties, LLC, for the Fairbanks Pit, Permit M-2003-058. The following items must be submitted in order for the application to be processed:

Application Fee

1. A partial fee in the amount of \$115.00 was received for this application. The appropriate fee for an application for Transfer of Mineral Permit and Succession of Operators for a Construction Materials operation is \$144.00. *See* C.R.S. § 34-32.5-125(1)(a)(X). Please submit an additional check in the amount of \$29 to cover the entirety of the fee. Checks should be made payable to the Colorado Division of Reclamation, Mining and Safety.

Demonstration of Legal Right to Enter

2. All Permittees must provide a description of the basis for legal right of entry to the site and to conduct mining and reclamation. This may be a copy of an access lease, deed, abstract of title, current tax receipt, or a signed and notarized statement by the property owners stating that the Prospective Successor has a legal right to enter. *See* Hard Rock and Construction Materials Rule 6.3.7. The signed statement provided which gives legal right of entry to the prospective successor needs to be notarized. Additionally, the agreement should contain a legal description for the areas included in the right of entry.

Structure Agreement

1. Please include Structure Agreement(s) for all permanent man-made structures located within 200 ft. of the affected lands pursuant to Rule 6.3.12. In the event there are no structures please include a separate cover letter stating that no such features exist.



Financial Warranty

2. An original Financial Warranty form along with payment of \$62,200.00.
3. An Affidavit of Authority signed by Tristan Koch and notarized (form attached)

Please return the required documentation to the Division **before** June 19, 2023. All completed permit documents are required to be submitted for consideration of your Request for Transfer of Mineral Permit and Succession of Operators Application. An incomplete application may be denied after the 60 day submittal request, if requested documents or information are not received. In the event of any delay in your submittal or if you have any questions, please contact me by email at hunter.ridley@state.co.us or by phone at (720)868-7757.

Sincerely,
Hunter C. Ridley



Environmental Protection Specialist

CC: Michael Cunningham, DRMS
Sara Stevenson-Benn, Financial Assurance Specialist, DRMS
Jamie Sessions, Glenn E. Sessions & Sons, Inc.





COLORADO

Division of Reclamation, Mining and Safety

Department of Natural Resources

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 _____