



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

July 7, 2023

Neil Whitmer
Holcim-WCR, Inc.
1687 Cole Blvd, Suite 300
Golden, CO 80401

Daniel Tezak
Tezak Heavy Equipment Co., Inc.
205 Tunnel Drive
Cañon City, CO 81212

**RE: Table Mountain Quarry, Permit No. M-1999-004, Incomplete Application for
Transfer of Permit and Succession of Operators (SO-3)**

Dear Mr. Whitmer:

On June 28, 2023, the Division of Reclamation, Mining and Safety (DRMS/Division) received the Application Form for Transfer of Mineral Permit and Succession of Operators from Tezak Heavy Equipment Co., Inc. to Holcim-WCR, Inc. for the Table Mountain Quarry, Permit M-1999-004. The following items are incomplete for the application to be processed:

1. The Application did not contain p. 6 which includes the "Designation of Review Timeline" that informs us as to whether the Prospective Successor intends to waive their right to receive a decision on an the SO Application within 30 days in order to allow the Division to calculate the required Financial Warranty before issuing its decision. Please provide p. 6 of the SO application with appropriate signatures from both the current Permittee and the Prospective Successor.
2. The Application did not contain a customary demonstration of the legal right to enter to perform mining and reclamation activities at the site. As the site area is managed by the Colorado State Land Board (SLB), this requires either a lease assignment or new lease from the SLB. A "Membership Interest Power" document was included in the SO application without explanation or background. Furthermore, this document purports to sell, assign and transfer "membership interests" to Holcim-ACM Management, Inc.; not Holcim-WCR, Inc to which the permit is to be transferred. If these documents were intended to demonstrate legal right of



entry for Holcim-WCR, please demonstrate how these documents meet the requirement of Rule 6.4.14, Source of Legal Right to Enter (to obtain a legal right of entry from any and all surface and mineral rights owners in the affected lands); or provide a lease assignment or new lease agreement.

Please respond to the items above within 60 days, or by September 5, 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 to be considered complete for the purpose of filing. If additional time is needed to respond, an extension request must be received by our Office prior to that date. If on the decision date, outstanding items remain, and no extension request has been received, your application may be denied. The Division reserves the right to further supplement this document with additional items and details as necessary.

Please contact Tim Cazier (303) 328-5229 or by email at tim.cazier@state.co.us if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Cazier", with a stylized flourish at the end.

Timothy A. Cazier, P.E.
Environmental Protection Specialist

cc: Sara Stevenson-Benn, DRMS
Michael Cunningham, DRMS
DRMS file
Kurt Thurman, Holcim-WCR
Daniel Tezak, T.H.E.
Ben Teschner, SLB