



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

**RE: T.H.E. Aggregate Source, Permit No. M-1977-193, Incomplete Application for
Transfer of Permit and Succession of Operators (SO-2)**

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 T.H.E. Aggregate Source, Permit M-1977-193. The following items are incomplete for the application to be processed:

1. The Application did not contain a customary demonstration of the legal right to enter to perform mining and reclamation activities at the site; such as 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. Three "Membership Interest Power" documents were included in the SO application without explanation or background. Furthermore, these documents purport 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 explain how these documents meet the requirement of Rule 6.4.14, Source of Legal Right to Enter; or provide one of the aforementioned customary documents.
2. Two structure agreements were provided without signatures from the respective structure owners (Black Hills Energy and Cañon City). In addition, the "Certification" paragraph in each of these two agreements indicates Tezak Heavy Equipment, LLC, a wholly-owned subsidiary of Holcim-WCR, Inc. Please address the following:
 - a. Clarify whether the structure agreements are meant to obligate Tezak Heavy Equipment or Holcim-WCR to compensate the respective structure owner(s) should any damage occur as a result of the proposed mining activities.
 - b. Please provide copies with signatures from the structure owners.



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