

# STATE OF COLORADO

DIVISION OF RECLAMATION, MINING AND SAFETY  
Department of Natural Resources

1313 Sherman St., Room 215  
Denver, Colorado 80203  
Phone: (303) 866-3567  
FAX: (303) 832-8106



## APPLICATION FORM FOR TRANSFER OF MINERAL PERMIT AND SUCCESSION OF OPERATORS

### ADMINISTRATIVE INFORMATION

#### Permit Information

Permit Number: M-1999-004

Operation Name: Table Mountain Quarry

#### Permittee Information

Contact Person: Daniel Tezak

Company Name: Tezak Heavy Equipment Co., Inc.

Street Address: 205 Tunnel Drive

City: Canon City

State: CO Zip: 81212

Phone: ( 719 ) 269-1173

Email (optional): \_\_\_\_\_

#### Prospective Successor Information

Contact Person: Neil Whitmer

Company Name: Holcim-WCR, Inc.

Street Address: 1687 Cole Blvd, Suite 300

City: Golden

State: CO Zip: 80401

Phone: ( 214 ) 213-7859

Email (optional): neil.whitmer@holcim.com

Other Reclamation Permits held by Prospective Successor (if applicable):

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### **DESIGNATION OF REVIEW TIMELINE**

As explained above, the Permittee and Prospective Successor may waive their right to receive a decision on an Application within 30 days in order to allow the Division to calculate the required Financial Warranty before issuing its decision. Permittee and Prospective Successor must initial one of the following two options to designate their choice. If Permittee and Prospective Successor cannot agree, the Division will render its decision within 30 days.

\_\_\_\_\_  
Permittee

\_\_\_\_\_  
Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to WAIVE MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

  
\_\_\_\_\_  
Permittee  
  
\_\_\_\_\_  
Prospective Successor

I have reviewed the information provided in this Application Packet, as well as the applicable Act and Rules. Having been fully informed, I wish to MAINTAIN MY RIGHT TO A DECISION ON MY APPLICATION WITHIN 30 DAYS.

The Prospective Successor must provide an adequate Financial Warranty or *conditional* replacement Financial Warranty, consistent with the designation above. Hard Rock and Construction Materials Rule 4.3 describes the various acceptable types of Financial Warranties. Each Financial Warranty must be submitted on the Board's approved forms (available online at <http://mining.state.co.us/Mineral%20Forms.htm>).

## **DUE DILIGENCE CERTIFICATION**

The Board wishes to ensure that Prospective Successors are fully informed of their duties and obligations should they become Successor to the Permit. Accordingly, the Prospective Successor must carefully review the items below and must initial indicating its agreement and understanding.

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If the Application is approved, the Prospective Successor will assume all liability for the reclamation of the affected land, and for compliance with the Hard Rock Act and Rules or the Construction Materials Act and Rules, as applicable (available online at <http://mining.state.co.us/Rules%20and%20Regs.htm>). Successor will be liable for any pre-existing conditions or violations, whether known or unknown at the time of the SO. It is the Prospective Successor's sole responsibility to investigate the operation prior to filing an Application.

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If the Application is approved, the Successor will be solely responsible for maintaining the mining and reclamation operations in compliance with the Reclamation Permit. The Permit includes the original approved Application, along with any and all subsequent revisions, amendments, and conversions thereto. It is not uncommon for a Permit to include dozens of documents that span many years. It is the Successor's sole responsibility to obtain a full and complete copy of the Permit and to understand the extent of his/her/its obligations thereunder. Permit documents may be purchased from the Division of Reclamation, Mining and Safety (the "Division") upon request or viewed on the Division's website at <http://drmsweblink.state.co.us/drmsweblink/search.aspx?dbid=0>

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If the Application is approved, the Successor must submit Annual Fees and Annual Reports to the Division on the anniversary date of the Reclamation Permit. For hard rock and designated mining operations, consult C.R.S. § 34-32-127(2) for the amount of the Annual Fee. For construction materials operations, consult the C.R.S. § 34-32.5-125 for the amount of the Annual Fee. Required annual reporting information is described in Hard Rock and Construction Materials Rule 1.15 and in the Annual Report Form provided by the Division. Failure to submit Annual Fees or Annual Reports may result in enforcement action.

**APPLICANTS' AGREEMENT TO REQUEST TRANSFER  
OF MINERAL PERMIT AND SUCCESSION OF OPERATORS**

WHEREAS, on April 21, 2008, Permit Number M-1999-004 ("Permit") was granted to Tezak Heavy Equipment Co., Inc. ("Permittee"), pursuant to which Permit, Permittee has engaged in a mining operation located in Fremont County, Colorado.

WHEREAS, The Permit includes and incorporates any and all subsequent Amendments, Technical Revisions and/or Conversions.

WHEREAS, Permittee wishes to assign the entire Permit, along with all associated rights and responsibilities to Holcim-WCR, Inc. ("Prospective Successor"), and Prospective Successor wishes to become Successor Permittee under the Permit.

WHEREAS, Prospective Successor has inspected the mining and reclamation operations and is fully aware of the conditions thereof.

WHEREAS, Prospective Successor understands that the Reclamation Plan (the "Plan") is an integral part of the Permit and is required by law. Prospective Successor has had an opportunity to thoroughly review the Plan, understands that the Plan has not been completed and that, if Prospective Successor becomes Successor, he/she/it will assume full responsibility for the completion of the Plan.

NOW THEREFORE, Permittee and Prospective Successor hereby agree, for their own benefit and for the benefit of the State, as follows:

Prospective Successor agrees to accept all of the conditions of the Permit, including the condition that the operation remains in compliance with all applicable laws and regulations, and to perform all of the obligations of the Permittee under the Permit.

Prospective Successor agrees to complete the Plan, and to assume all liability for the same, as to all areas presently disturbed, as well as to all areas hereafter disturbed.

Prospective Successor agrees to submit to the Division of Reclamation, Mining and Safety ("Division"), Performance and Financial Warranties, as required by applicable law and regulations, which will be substituted for the Performance and Financial Warranties previously filed by the Permittee, if and when the Division approves a Transfer of Mineral Permit and Succession of Operators ("SO") and releases the latter Warranties.

Prospective Successor represents to the State that, to the best of its knowledge, information and belief, it is not in violation of any of the provisions of the Mined Land Reclamation Act (C.R.S. § 34-32-101 *et. seq.*) ("Hard Rock Act") and associated Rules (2 C.C.R. 407-1) ("Hard Rock Rules") or the Land Reclamation Act for the Extraction of

Construction Materials (C.R.S. § 34-32.5-101 *et. seq.*) ("Construction Materials Act") and associated Rules (2 C.C.R. 407-4) ("Construction Materials Rules"), with respect to any other operation conducted by the Prospective Successor in the State of Colorado.

Permittee and Prospective Successor hereby request that the Mined Land Reclamation Board ("Board") approves their SO Application, recognizes the Prospective Successor as Successor Operator under the Permit, accepts the Prospective Successor's Performance and Financial Warranties, and releases the current Permittee's Performance and Financial Warranties.

SIGNED, SEALED AND DATED this 21 day of June, 2023.

**PERMITTEE**

**Tezak Heavy Equipment Co., Inc.**

Name of Permittee

By [Signature]  
Signature of Officer

President  
Title of Officer

**PROSPECTIVE SUCCESSOR**

**Holcim-WCR, Inc.**

Name of Prospective Successor

By [Signature]  
Signature of Officer

VP Holcim-WCR / Inc.  
Title of Officer

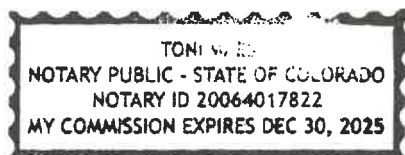
**NOTARY FOR PERMITTEE**

STATE OF Colorado )  
COUNTY OF Fremont ) ss.:

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of June, 2023.  
by Daniel Tezak as President of Tezak Heavy Equipment Co. Inc.

Notary Public [Signature]

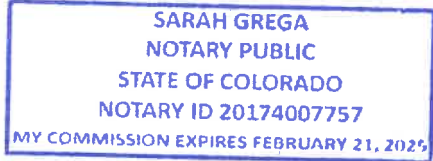
My Commission Expires 12/30/2025



**NOTARY FOR PROSPECTIVE SUCCESSOR**

STATE OF Colorado )  
 ) ss.:  
COUNTY OF Jefferson )

The foregoing instrument was acknowledged before me this 21 day of June, 2023,  
by Kevin Peart as VP of Holcom-Web, Inc.



Notary Public Sarah Grega

My Commission Expires 2/21/25

**STATE APPROVAL**  
**[for completion by Division]**

- (a) The Board hereby approves the transfer of permit number \_\_\_\_\_ from  
\_\_\_\_\_ to \_\_\_\_\_.
- (b) The Board hereby recognizes \_\_\_\_\_ as Successor Operator under  
such Permit.
- (c) The Board hereby accepts the Performance and Financial Warranties submitted by Successor and hereby  
releases \_\_\_\_\_, as former Permittee from all obligations under  
its Performance and Financial Warranties. The Board further releases all affected financial warrantors from  
obligations under Financial Warranties associated with the former Permittee.

STATE OF COLORADO  
DEPARTMENT OF NATURAL RESOURCES  
MINED LAND RECLAMATION BOARD  
DIVISION OF RECLAMATION, MINING AND SAFETY

By: \_\_\_\_\_  
Division Director

Date Executed: \_\_\_\_\_