



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

July 10, 2025

Tony Majka
Oldcastle SW Group, Inc. dba United Companies
839 Mackenzie Avenue
Canon City, CO 81212

John Paul Ary
All Rite Paving and Redi Mix, Inc.
PO Box 566
Canon City, CO 81215

RE: Caldwell-Nesselhuf Pit #1; Permit No. M-1997-071; Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-2)

Mr. Majka and Mr. Ary:

On July 3, 2025, the Division of Reclamation, Mining and Safety (Division) received your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-2) for the Caldwell-Nesselhuf Pit #1, Permit No. M-1997-071. A review of the information received determined the following items must be received before the Division can consider the application as being complete:

Affidavit of Authority:

1. Please submit an Affidavit of Authority signed by Brandon Pack as President of Old Castle SW Group Inc. dba United Companies. This needs to be notarized.

Application Form:

2. On page 5, under Administrative Information, Prospective Successor Information, the Colorado Secretary of State shows a different address for Oldcastle SW Group, Inc.: 2273 River Rd, Grand Junction, CO 81505 or 1900 W Littleton Blvd, Littleton, CO 80120. Please correct this.

Legal Right of Entry:

3. The lease agreement submitted between Charles M. and Gail C. Zimmerman and All Rite Paving & Redi Mix, Inc. is no longer acceptable.
 - a) Please provide a legal right of entry to the site that is between the current landowner and Oldcastle SW Group, Inc. dba United Companies or United Companies or Oldcastle SW Group, Inc.”



- b) This may include a copy of an updated lease or a signed statement by the landowner and acknowledged by a Notary Public stating that the operator has the legal right to enter to conduct mining and reclamation.

Structure Agreements:

- 4. Please provide fully executed structure agreements between the Prospective Successor and the following structure owners: Black Hills Energy, Crowley County, and Tri-State Generation and Transmission Association.
 - a) Note that per Rule 6.4.19(c), where the 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.
- 5. The submitted Geotechnical Stability Exhibit states "...buildings or other structures within 200' of the Caldwell-Nesselhuf Pit affected area will not be affected by mining excavation."
 - a) If the geotechnical evaluation is intended to cover structure agreements that were unable to be obtained, then it should explicitly address any structures for which Oldcastle SW Group, Inc. dba United Companies was unable to obtain a structure agreement.
 - a) The geotechnical evaluation needs to show that the structures that Oldcastle SW Group, Inc. dba United Companies was unable to get a structure agreement for will not be affected.

Performance Warranty:

- 6. The submitted Performance Warranty is missing the notary stamp on page 13. This invalidates the signatures. Please provide a new Performance Warranty signed by either Tony Majka or Brandon Pack.

Other Comments:

- 7. Please mail all the original financial documents to Sara Stevenson-Benn's attention at the address listed here:

Standard USPS:

1313 Sherman St., Ste. 215
Denver, CO 80203

Address for FedEx, UPS, certified mail, or hand delivery:

DRMS c/o Sara Stevenson-Benn
1001 E 62nd Ave
Denver, CO 80216

You have sixty (60) days from the date of this letter, by **September 8, 2025**, to submit all necessary information for the application to be considered filed. If the completeness items identified above have not been addressed by the 60-day deadline, your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-2) may be denied.

If you have any questions, you may contact me by telephone at 720-793-3031, or by email at ursula.armstrong@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ursula Armstrong", written in a cursive style.

Ursula Armstrong
Environmental Protection Specialist

Encls: Construction Materials Affidavit of Authority

Cc: Sara Stevenson-Benn, DRMS
Amy Eschberger, DRMS



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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 _____