

September 4, 2025

Derek Garben  
ARS Sand & Gravel Company, LLC  
5190 Parfet St.  
Wheat Ridge, CO 80033

Robert Christian  
Christian Construction Inc.  
16230 Reata Rd.  
Peyton, CO 80831

**RE: Elbert County Pit; Permit No. M-1985-129; Notice of Incomplete Request for Transfer of Mineral Permit and Succession of Operators Application Packet (Revision No. SO-6)**

Mr. Garben and Mr. Christian:

On August 28, 2025, the Division of Reclamation, Mining and Safety (Division) received your Request for Transfer of Mineral Permit and Succession of Operators Application Packet (SO-6) for the Elbert County Pit, Permit No. M-1985-129. A review of the information received determined the following items must be addressed before the Division can consider the application as being complete:

**Affidavit of Authority:**

1. Please submit an Affidavit of Authority signed by Derek Garben. This needs to be notarized. Note that only original documents (no photocopies) are accepted.

**Application Form:**

2. On page 5, under Administrative Information, Prospective Successor Information, please revise the company name to “ARS Sand & Gravel Company, LLC”. The company name needs to match what is written on the warranty documents submitted and must be written exactly the same throughout the application.
3. On page 9, the Division cannot accept notarized pages with information crossed out. Please resubmit page 9 with the necessary corrections and re-notarized.

**Structure Agreements:**

4. The structure agreements provided were not executed using the Structure Agreement form approved by the Division. Note the Certification page of the approved form states: "This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. **Any alteration or**



**modification to this form shall result in voiding this form."** Please use the Division's Structure Agreement form with no alterations or modifications (see enclosed form).

5. The following items are regarding the altered structure agreement forms that were provided. Please ensure these errors are corrected on the new structure agreements obtained using the approved Structure Agreement Form (mentioned above):
  - a) Under the Certification section, the Operation Name should be "Elbert County Pit", not "Elbert Sand & Gravel Pit".
  - b) Under the Notary for Permit Applicant section, please ensure the Applicant name is written as "ARS Sand & Gravel Company, LLC". This includes the field for "Applicant" and in the applicable field of the "The foregoing was acknowledged before me..." statement.
6. The following items are related to the Engineer Evaluation that was provided:
  - a) In order for the Division to accept the engineering evaluation in lieu of a structure agreement, the evaluation needs to be signed and stamped by an engineer.
  - b) The Division cannot accept an engineering evaluation until the applicant has provided proof that an agreement was attempted with the structure owner. This proof must include a copy of the structure agreement form, fully filled out and executed by the applicant, that was sent to the structure owner, and a return receipt for the certified mailing or proof of personal service.

**Additional Comments:**

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

**Standard USPS:**

DRMS c/o Sara Stevenson-Benn  
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 **November 3, 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-6) 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](mailto: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  
Structure Agreement Form

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



# 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 \_\_\_\_\_

An example Structure Agreement which meets the requirements of the Statutes is shown below.

\*\*\*\*\*

## **Structure Agreement**

This letter has been provided to you as the owner of a structure on or within two hundred (200) feet of a proposed mine site. The State of Colorado, Division of Reclamation, Mining and Safety (“Division”) requires that where a mining operation will adversely affect the stability of any significant, valuable and permanent man-made structure located within two hundred (200) feet of the affected land, the Applicant shall either:

- a) Provide a notarized agreement between the Applicant and the Person(s) having an interest in the structure, that the Applicant is to provide compensation for any damage to the structure; or
- b) Where such an agreement cannot be reached, the Applicant shall provide an appropriate engineering evaluation that demonstrates that such structure shall not be damaged by activities occurring at the mining operation; or
- c) Where such 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. (*Construction Materials Rule 6.3.12 and Rule 6.4.19 & Hard Rock/Metal Mining Rule 6.3.12 and Rule 6.4.20*)

*The Colorado Mined Land Reclamation Board (“Board”) has determined that this form, if properly executed, represents an agreement that complies with Construction Materials Rule 6.3.12(a), Rule 6.4.19(a), and C.R.S. § 34-32.5-115(4)(e) and with Hard Rock/Metal Mining Rule 6.3.12(a), Rule 6.4.20(a), and C.R.S. § 34-32-115(4)(d). This form is for the sole purpose of ensuring compliance with the Rules and Regulations and shall not make the Board or Division a necessary party to any private civil lawsuit to enforce the terms of the agreement or create any enforcement obligations in the Board or the Division.*

**The following structures are located on or within 200 feet of the proposed affected area:**

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

*(Please list additional structures on a separate page)*

## CERTIFICATION

The Applicant, \_\_\_\_\_ (print applicant/company name),  
by \_\_\_\_\_ (print representative's name), as \_\_\_\_\_ (print  
representative's title), does hereby certify that \_\_\_\_\_ (structure owner) shall  
be compensated for any damage from the proposed mining operation to the above listed structure(s)  
located on or within 200 feet of the proposed affected area described within Exhibit A, of the Reclamation  
Permit Application for \_\_\_\_\_ (operation name),  
File Number M-\_\_\_\_\_-\_\_\_\_\_.  
\_\_\_\_\_

***This form has been approved by the Colorado Mined Land Reclamation Board pursuant to its authority under the Colorado Land Reclamation Act for the Extraction of Construction Materials and the Colorado Mined Land Reclamation Act for Hard Rock, Metal, and Designated Mining Operations. Any alteration or modification to this form shall result in voiding this form.***

**NOTARY FOR PERMIT APPLICANT**

ACKNOWLEDGED BY:

Applicant \_\_\_\_\_ Representative Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_)  
 ) ss.

COUNTY OF \_\_\_\_\_)

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
as \_\_\_\_\_ of \_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

Notary Public

**NOTARY FOR STRUCTURE OWNER**

ACKNOWLEDGED BY:

Structure Owner \_\_\_\_\_ Name \_\_\_\_\_

Date \_\_\_\_\_ Title \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public My Commission Expires: \_\_\_\_\_