



COLORADO
Division of Reclamation,
Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, Colorado 80203

March 21, 2023

Greg Geras
Asphalt Specialties Co., Inc.
10100 Dallas St
Henderson CO 80640

Re: Preliminary Review of a 112 Construction Materials Amendment Application Package, Asphalt Specialties – Chavers Mining Resource, AM2, DRMS Permit M2015-030

Mr. Geras:

The Division of Reclamation, Mining, and Safety has completed its preliminary adequacy review of your 112 construction materials reclamation permit application for AM2. The application was called complete for review on February 3, 2023. All comment and review periods began on February 3, 2023. **The decision date for this application is May 4, 2023. Please be advised that if you are unable to satisfactorily address any concerns identified in this review before the decision date, it will be your responsibility to request an extension of the review period. If there are outstanding issues that have not been adequately addressed prior to the end of the review period, and no extension has been requested, the Division will deny this application. In order to allow the Division adequate time to review your responses to any adequacy issues, please submit your adequacy responses to the Division no later than one week prior to the decision date (April 26, 2023).**

Please note that any changes or additions to the application on file in our office must also be reflected in the public review copy, which has been placed with the Weld County Clerk and Recorder.

The review consisted of comparing the application content with specific requirements of Rule 6.1, 6.2, 6.4 and 6.5 of the Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. As with most applications, there are items that will require clarification of the existing information. Any inadequacies are identified under the respective exhibit heading.

APPLICATION FORM:

Adequate as submitted

6.2 GENERAL REQUIREMENTS OF EXHIBITS

6.2.1 General Requirements

- (1) This Rule provides for the guidelines for, and information requirements of, each Exhibit required to be submitted with the permit application, as specified according to Section 6.1.
- (2) Maps and Exhibits Maps, except the index map, must conform to the following criteria:



- (a) show name of Applicant;
- (b) must be prepared and signed by a registered land surveyor, professional engineer, or other qualified person;
- (c) give date prepared;
- (d) identify and outline the area which corresponds with the application;
- (e) with the exception of the map of the affected lands required in Section 34-32.5-112(2)(d), C.R.S. 1984, as amended, shall be prepared at a scale that is appropriate to clearly show all elements that are required to be delineated by the Act and these Rules. The acceptable range of map scales shall not be larger than 1 inch = 50 feet nor smaller than 1 inch = 660 feet. Also, that a map scale, appropriate legend, map title, date and a north arrow shall be included.

EXHIBIT A - Legal Description (Rule 6.4.1): The legal description must identify all affected land and be wholly adequate for field location of the property. It can be in the form of metes and bounds survey or a description by reference to township, range and section to at least the nearest quarter/quarter section. Where applicable, the street address or lot numbers may be used.

Adequate as previously submitted

EXHIBIT B - Index Map (Rule 6.4.2): An index map showing the regional location of all affected land and all roads and other access to the area. A standard U.S. Geological Survey topographic quadrangle or equivalent is acceptable. Scale criteria need not be followed for this map.

Adequate as previously submitted

EXHIBIT C - Pre-mining and Mining Plan Map(s) of Affected Lands (Rule 6.4.3): One or more maps may be necessary to legibly portray the following information:

- (a) all immediately adjacent surface owners of record;
- (b) the name and location of all creeks, roads, buildings, oil and gas wells and lines, and power and communication lines on the area of affected land and within two hundred (200) feet of all boundaries of such area
- (c) the existing topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the affected land;
- (d) the total area to be involved in the operation, including the area to be mined and the area of affected lands (see definition of "Affected Land");
- (e) the type of present vegetation covering the affected lands; and
- (f) in conjunction with Exhibit G - Water Information, Subsection 6.4.7, if required by the Office, further water resources information will be presented on a map in this section.

(g) Show the owner's name, type of structures, and location of all permanent or man-made structures contained on the area of affected land and within two hundred (200) feet of the affected land.

(h) In conjunction with Exhibit I - Soils Information, Subsection 6.4.9, soils information may be presented on a map in this section;

(i) Aerial photos, if available, may be included in this section.

- 1) Please show the locations of Discharge Outfalls referred to as 001-A and 003-A on the Mining Plan Map.***
- 2) Are there any on-site locations proposed for the staging/storage of backfill material to be utilized for reclamation? If so, please show on the mining plan map. Keep in mind the rule requires that topsoil and overburden be managed separately.***
- 3) DRMS notes that the affected area within the permit has been increased by 12 acres in AM02 – Please make sure that the revised affected area is clearly marked in the field as required by rule.***

EXHIBIT D - Mining Plan (Rule 6.4.4): The mining plan shall supply the following information, correlated with the affected lands, map(s) and timetables:

(a) description of the method(s) of mining to be employed in each stage of the operation as related to any surface disturbance on affected lands;

(b) earthmoving;

(c) all water diversions and impoundments; and

(d) the size of area(s) to be worked at any one time.

(e) An approximate timetable to describe the mining operation. The timetable is for the purpose of establishing the relationship between mining and reclamation during the different phases of a mining operation. You will not be required to meet specific dates for initiation, or completion of mining in a phase as may be identified in the timetable. This does not exempt you from complying with the performance standards of Section 3.1. Such timetable should include:

(i) an estimate of the periods of time which will be required for the various stages or phases of the operation;

(ii) a description of the size and location of each area to be worked during each phase; and

(iii) outlining the sequence in which each stage or phase of the operation will be carried out.

(Timetables need not be separate and distinct from the mining plan, but may be incorporated therein.)

(f) A map (in Exhibit C - Pre-Mining and Mining Plan Maps(s) of Affected Lands, Subsection 6.4.3) may be used along with a narrative to present the following information:

(i) nature, depth and thickness of the ore body or deposit to be mined and the thickness and type of overburden to be removed (may be marked "CONFIDENTIAL," as per Paragraph 1.3(3)); and

(ii) nature of the stratum immediately beneath the material to be mined in sedimentary deposits.

- (g) Identify the primary and secondary commodities to be mined/extracted and describe the intended use; and
- (h) name and describe the intended use of all expected incidental products to be mined/extracted by the proposed operation.
- (i) Specify if explosives will be used in conjunction with the mining (or reclamation). In consultation with the Office, the Applicant must demonstrate pursuant to Rule 6.5(4), Geotechnical Stability Exhibit, that off-site areas will not be adversely affected by blasting.
- (j) Specify the dimensions of any existing or proposed roads that will be used for the mining operation. Describe any improvements necessary on existing roads and the specifications to be used in the construction of new roads. New or improved roads must be included as part of the affected lands and permitted acreage. Affected land shall not include off-site roads which existed prior to the date on which notice was given or permit application was made to the office and which were constructed for purposes unrelated to the proposed mining operation and which will not be substantially upgraded to support the mining operation. Describe any associated drainage and runoff conveyance structures to include sufficient information to evaluate structure sizing.

4) This site lies within the 100 year Floodway and Floodplain of the South Platte River. Any mining excavations made within 400' of the South Platte River must either comply with the protective measures identified in the Urban Drainage and Flood Control District's January 2013 Technical Review Guidelines for Mining and Water Storage Activities Within or Adjacent to 100 Year Floodplains, or excavated areas within 400' of the river must be backfilled to pre-mining elevations within one year of excavation.

Please acknowledge and specify your preferred course of action for any excavations within 400' of the South Platte River and make sure that this is clearly shown on the mining plan map.

- 5) The current excavation does not appear to correlate at all with the previously approved mine phasing, and in fact, includes portions of Cells 2, 3, and 4 to varying degrees. What is the total acreage of the existing excavation and exposed groundwater area (wash pond areas should be provided separately)?***
- 6) If you would like to propose a phased mining and bonding/reclamation approach, please revise the mine phasing to accurately reflect the current and proposed mining activity and revise the mine plan map accordingly – see also comment 12.***

EXHIBIT E - Reclamation Plan (Rule 6.4.5):

- (1) In preparing the Reclamation Plan, you should be specific in terms of addressing such items as final grading (including drainage), seeding, fertilizing, revegetation (trees, shrubs, etc.), and topsoiling. You are encouraged to allow flexibility in your plans by committing to ranges of numbers (e.g., 6"-12" of topsoil) rather than specific figures.
- (2) The Reclamation Plan shall include provisions for, or satisfactory explanation of, all general requirements for the type of reclamation proposed to be implemented by you. Reclamation shall be required on all the affected land. The Reclamation Plans shall include:

(a) A description of the type(s) of reclamation you propose to achieve in the reclamation of the affected land, why each was chosen, the amount of acreage accorded to each, and a general discussion of methods of reclamation as related to the mechanics of earthmoving;

(b) A comparison of the proposed post-mining land use to other land uses in the vicinity and to adopted state and local land use plans and programs. In those instances where the post-mining land use is for industrial, residential, or commercial purposes and such use is not reasonably assured, a plan for revegetation shall be submitted. Appropriate evidence supporting such reasonable assurance shall be submitted;

(c) A description of how the Reclamation Plan will be implemented to meet each applicable requirement of Section 3.1;

(d) Where applicable, plans for topsoil segregation, preservation, and replacement; for stabilization, compaction, and grading of spoil; and for revegetation. The revegetation plan shall contain a list of the preferred species of grass, legumes, forbs, shrubs or trees to be planted, the method and rates of seeding and planting, the estimated availability of viable seeds in sufficient quantities of the species proposed to be used, and the proposed time of seeding and planting;

(e) A plan or schedule indicating how and when reclamation will be implemented. Such plan or schedule shall not be tied to any specific date but shall be tied to implementation or completion of different stages of the mining operation as described in Subparagraph 6.4.4(1)(e). The plan or schedule shall include:

(i) An estimate of the periods of time which will be required for the various stages or phases of reclamation;

(ii) A description of the size and location of each area to be reclaimed during each phase; and

(iii) An outline of the sequence in which each stage or phase of reclamation will be carried out. (The schedule need not be separate and distinct from the Reclamation Plan, but may be incorporated therein.)

(f) A description of each of the following:

(i) Final grading - specify maximum anticipated slope gradient or expected ranges thereof;

(ii) Seeding - specify types, mixtures, quantities, and expected time(s) of seeding and planting;

(iii) Fertilization - if applicable, specify types, mixtures, quantities and time of application;

(iv) Revegetation - specify types of trees, shrubs, etc., quantities, size and location; and

(v) Topsoiling - specify anticipated minimum depth or range of depths for those areas where topsoil will be replaced.

7) *The current application states that topsoil is currently present at 12-24 inches across the site, and the previously approved reclamation plan called for replacement of 12" of topsoil. However, the AM2 reclamation plan states that only 6" of topsoil will be replaced for final reclamation in areas intended to be reclaimed as rangeland. It appears that there will be an excess of available topsoil, therefore, DRMS will require that a minimum of 12" of topsoil be replaced, as previously approved, in areas to be*

reclaimed as rangeland, unless a technical justification can be provided to replace less than 12". Please acknowledge and modify AM2 as necessary.

- 8) At what point in the mining/reclamation process will internal slopes be reduced from 1:1 or steeper back to 3:1 or flatter? The maximum height/length/slope of working slopes should be defined so the necessary backfill and resulting reclamation bond may be accurately calculated.*
- 9) How will groundwater levels be maintained after final mining and but before backfill is above the static water level? Will excavations be allowed to fill to static water level, or will they be continuously pumped dry? If excavated areas will be continuously pumped until backfilled above static water level, what are the anticipated pumping/discharge rates? What is the anticipated time from end of mining until a cell is backfilled?*
- 10) The proposed mining/reclamation plan proposes a maximum 20 acre excavation with an average depth of 28 feet, which will need to be backfilled to approximate original grade. How does this compare with the currently excavated area(s)?*
- 11) Please provide a weed control plan to be implemented during mining and reclamation of the site.*
- 12) The Applicant has provided a schedule for implementation of reclamation, which indicates that it will take 13 years to reclaim Phase 1 and 18 years to complete reclaim Phase 2. Pursuant to Rule 3.1.3, all reclamation shall be carried to completion by the Operator with all reasonable diligence, and each phase of reclamation shall be completed within five years from the date the Operator informs the Division that such phase has commenced. The five year period may be applied separately to each phase as it is commenced throughout the life of the mine. Please revise the phasing and schedule for implementation of reclamation such that each phase does not exceed a five year timeframe.*

EXHIBIT F - Reclamation Plan Map (Rule 6.4.6): The map(s) of the proposed affected land, by all phases of the total scope of the mining operation, shall indicate the following:

(a) The expected physical appearance of the area of the affected land, correlated to the proposed mining and reclamation timetables. The map must show proposed topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of all reclaimed lands; and

(b) Portrayal of the proposed final land use for each portion of the affected lands.

- 13) If ASCI is proposing a phased mining and reclamation plan; maps depicting the various stages of mining and reclamation proposed will need to be provided so that the information can correlate with Exhibit L*

EXHIBIT G - Water Information (Rule 6.4.7):

(1) If the operation is not expected to directly affect surface or groundwater systems, a statement of that expectation shall be submitted.

(2) If the operation is expected to directly affect surface or groundwater systems, you shall:

- (a) Locate on the map (in Exhibit C) tributary water courses, wells, springs, stock water ponds, reservoirs, and ditches on the affected land and on adjacent lands where such structures may be affected by the proposed mining operations;
 - (b) Identify all known aquifers; and
 - (c) Submit a brief statement or plan showing how water from dewatering operations or from runoff from disturbed areas, piled material and operating surfaces will be managed to protect against pollution of either surface or groundwater (and, where applicable, control pollution in a manner that is consistent with water quality discharge permits), both during and after the operation.
- (3) You must provide an estimate of the project water requirements including flow rates and annual volumes for the development, mining and reclamation phases of the project.
- (4) You must indicate the projected amount from each of the sources of water to supply the project water requirements for the mining operation and reclamation.
- (5) You must affirmatively state that the Operator/Applicant has acquired (or has applied for) a National Pollutant Discharge Elimination System (NPDES) permit from the Water Quality Control Division at the Colorado Department of Health, if necessary.

14) ASCI will need to provide a groundwater monitoring and mitigation plan for DRMS approval for both potential groundwater quantity and quality impacts. The plan provided should comply with the requirements of Construction Materials Rule 3.1.7. This permit lies within a classified area, therefore, The City of Ft. Lupton Wellfield, Weld County standards from Colorado Water Quality Control Commission Regulation 42 will apply at this site. The plan should include, at a minimum, the following information:

- ***Hydrologic characterization of the site: any available historic groundwater levels, groundwater flow direction, and groundwater quality data for the permit area and immediately surrounding area.***
- ***A map showing proposed groundwater monitoring well locations and anticipated well construction details (final locations and monitoring well construction logs will be required for all wells after they are approved and installed). Groundwater Compliance Well locations for water quality monitoring should be identified.***
- ***Proposed measuring/sampling frequency for groundwater levels and quality***
- ***Proposed analytes and benchmark levels for groundwater quality parameters – these will need to comply with appropriate standards for The City of Ft. Lupton Wellfield, Weld County, from Colorado Water Quality Control Commission Regulation 42. Special discussion should be provided for any analytes that have been observed exceeding standards in any existing data or wells.***
- ***Reporting of data - both routine and if any potential issues are identified.***
- ***Triggers for identifying adverse off-site impacts to groundwater levels or quality in nearby wells, and potential mitigation measures to alleviate impacts to off- site wells.***

- ***Sample collection, analysis methods, and QA/QC procedures to be utilized for groundwater quality sampling events.***

EXHIBIT H - Wildlife Information (Rule 6.4.8):

(1) In developing the wildlife information, you may wish to contact the local wildlife conservation officer. You must include in this Exhibit, a description of the game and non-game resources on and in the vicinity of the application area, including:

- (a) a description of the significant wildlife resources on the affected land;
- (b) seasonal use of the area;
- (c) the presence and estimated population of threatened or endangered species from either federal or state lists; and
- (d) a description of the general effect during and after the proposed operation on the existing wildlife of the area, including but not limited to temporary and permanent loss of food and habitat, interference with migratory routes, and the general effect on the wildlife from increased human activity, including noise.

Adequate as previously submitted

EXHIBIT I - Soils Information (Rule 6.4.9): In consultation with the Soil Conservation Service or other qualified person, you must indicate on a map (in Exhibit C) or by a statement, the general type, thickness and distribution of soil over the affected land. Such description will address suitability of topsoil (or other material) for establishment and maintenance of plant growth. The above information shall satisfy "completeness" requirements for purposes of determination of date of filing.

Adequate as previously submitted

EXHIBIT J - Vegetation Information (Rule 6.4.10):

(1) You must include in this Exhibit a narrative of the following items:

- (a) descriptions of present vegetation types, which include quantitative estimates of cover and height for the principal species in each life-form represented (i.e., trees, tall shrubs, low shrubs, grasses, forbs);
- (b) the relationship of present vegetation types to soil types, or alternatively, the information may be presented on a map; and
- (c) estimates of average annual production for hay meadows and croplands, and carrying capacity for range lands on or in the vicinity of the affected land, if the choice of reclamation is for range or agriculture.

(2) You must show the relation of the types of vegetation to existing topography on a map in Exhibit C. In providing such information, you may want to contact the local Soil Conservation District.

Adequate as previously submitted

EXHIBIT K - Climate (Rule 6.4.11): Provide a description of the significant climatological factors for the locality.

Adequate as previously submitted

EXHIBIT L - Reclamation Costs (Rule 6.4.12): All information necessary to calculate the costs of reclamation must be submitted and broken down into the various major phases of reclamation. You must provide sufficient information to calculate the cost of reclamation that would be incurred by the state.

15) The mining of the unlined excavation(s) currently present on site, and as described in the AM2 application, has and will continue to result in exposed groundwater. The SEO requires DRMS to bond to eliminate the liability for exposed groundwater area(s) that have not been addressed as part of a permanent approved augmentation plan. This was previously addressed with a reclamation bond to install a clay liner in excavated cells for final use as developed water storage.

The reclamation plan proposed in AM2 will require backfilling all excavated areas and grading of the site to approximate original contour for reclamation as rangeland. Therefore, a bond for the State's cost to dewater and backfill the total excavated area to approximate original grade will need to be determined. Please note that this bond will need to include the cost to import any fill required that is not present on site, and all reclamation is required to be completed within 5 years of the end of mining for each mined phase.

The operator will need to provide the appropriate bonding information for the existing excavated area, if in excess of the 20 acre excavation as described in the mining plan, to calculate the required bond (ie backfill volume, import costs, placement costs, cost to dewater, etc). DRMS will evaluate the reclamation bond calculation when the other adequacy issues have been resolved.

EXHIBIT M - Other Permits and Licenses (Rule 6.4.13): A statement identifying which of the following permits, licenses and approvals the Operator/Applicant holds or will be seeking in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source material licenses, the State Historic Preservation Office clearance, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, highway access permits, U.S. Forest Service permits, Bureau of Land Management permits, county zoning and land use permits, and city zoning and land use permits.

Adequate as submitted

EXHIBIT N - Source of Legal Right to Enter (Rule 6.4.14): You must provide the source of your legal right to enter and initiate a mining operation on the affected land.

Adequate as previously submitted

EXHIBIT O - Owner(s) of Record of Affected Land (Surface Area) and Owners of Substance to be Mined (Rule 6.4.15): Please submit a complete list of all owners or show the owners on your map in Exhibit C.

Adequate as previously submitted

EXHIBIT P - Municipalities Within Two Miles (Rule 6.4.16): Please list any municipality(s) within two miles of the proposed mining operation and address of the general office of each municipality.

Adequate as previously submitted

EXHIBIT Q - Proof of Mailing of Notices to County Commissioners and Soil Conservation District (Rule 6.4.17): Please submit proof of actual delivery or proof of mailing by Certified Mail, return receipt requested, of Notice of the Application to the local Board of County Commissioners and, if the mining operation is within the boundaries of a Soil Conservation District, to the Board of Supervisors of the Soil Conservation District.

Adequate as submitted

EXHIBIT R - Proof of Filing with County Clerk and Recorder (Rule 6.4.18): You must submit an affidavit or receipt indicating the date on which the application was placed with the local County Clerk and Recorder.

16) Adequate as submitted – note you must also provide proof that all adequacy responses are also placed with the application for public review

EXHIBIT S - Permanent Man-Made Structures (Rule 6.4.19): Please note that roadways and above-ground or underground utilities (if present) within 200 feet of the proposed affected area are considered permanent man-made structures. In accordance with Rule 6.4.19, when mining operations will adversely affect the stability of any significant, valuable and permanent man-made structure located within 200 feet of the affected area, the applicant may 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.

Adequate as submitted

Additional Information: You will also need to provide the Division with proof of notice publication as well as proof of delivery of notice to surrounding property owners within 200' of the permit. Any letters from other commenting agencies/entities received by the Division to-date have been included with this correspondence for you to review and are also available for review on the Division's Imaged Documents which can be accessed from the DRMS website using the online provided guidance.

This concludes the Division's preliminary adequacy review of this application. This letter shall not be construed to mean that there are no other technical deficiencies in your application. Other issues may arise as additional information is supplied. Please remember that the decision date for this amendment application is May 4, 2023. As previously mentioned, if you are unable to provide satisfactory responses to any inadequacies prior to this date, it will be your responsibility to request an extension of time to allow for continued review of this application. If there are still unresolved issues when the decision date arrives and no extension has been requested, the application will be denied. If you have any questions, please contact me at (303) 229-9414.

Sincerely,



Eric Scott – Environmental Protection Specialist

CC:

Enclosures: SEO Comment Letter
 History Colorado Comment Letter



Response to Reclamation Permit Amendment Application Consideration

DATE: February 6, 2023

TO: Eric C. Scott, Division of Reclamation, Mining & Safety (DRMS), eric.scott@state.co.us

CC: Division 1 Office, District 2 Water Commissioner

FROM: Wenli Dickinson, E.I.T., State Engineer's Office (SEO), wenli.dickinson@state.co.us

RE: **Chavers Mining Resource, M-2015-030 (AM-2)**

Operator: Asphalt Specialties Co., Inc.

Contact: Greg Geras, 10100 Dallas St, Henderson, CO 80640 or (303) 289-8555

Location: Section 18, Township 1 North, Range 66 West, 6th P.M., Weld County

COMMENTS: The subject application is for an amendment to permit no. M-2015-030 for a surface mining operation on approximately 95 acres located at 12367 CR 8, Fort Lupton, generally located in Section 18, Township 1 North, Range 66 West, 6th P.M., Weld County. The primary materials to be mined at the site are aggregate road base, asphalt, and concrete. The proposed amendment is 1) to expand the affected area from 75 to 87 acres within the permit boundary for surface use disturbances and 2) revise the reclamation plan from the currently approved sealed water storage reservoir to use as rangeland after backfill.

Mining will occur in 6 cells, one of which has been mined and backfilled. Groundwater will be consumed by evaporation, dust control, dewatering, water removed in the mined product, washing, and concrete production. Mining will be accomplished by dry-mining method.

Prior to the use or exposure of any groundwater, the applicant must first obtain a well permit and a substitute water supply plan ("SWSP") or decreed plan for augmentation to replace depletions caused by groundwater consumption. Currently, depletions to the South Platte River at the site are covered by the Chavers Mining Resource SWSP (WDID 0202654, Plan ID 5057) through July 31, 2023. The alluvial well on the site used for concrete production has permit number 80120-F. If the proposed water uses or depletions will exceed beyond those allowed by the current SWSP approval and/or well permit no. 80120-F, the applicant must file an application for an amended SWSP and/or new well permit as applicable. Prior to approving a well permit, the applicant must conduct a field inspection of the site and document the locations of all wells within 600 feet of the permit area. The applicant must then obtain a waiver of objection from all well owners with wells within 600 feet of the permit area or request a hearing before the State Engineer. However, from the amendment application, the proposed water uses and depletions appear to be consistent with the current SWSP approval through July 31, 2023 and permit no. 80120-F. The site must continue to be operated under a SWSP until such time as the site is reclaimed. Replacement of lagged depletions shall continue until there is no longer an effect on stream.

Any storm water runoff intercepted by this operation that is not diverted or captured in priority must infiltrate into the ground or be released to the stream system within 72 hours. Otherwise, the operator will be required to make replacements for evaporation.

The applicant may contact the SEO at (303) 866-3581 with any questions.





Eric C. Scott
Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

Re: Chavers Mining Resource – File No. M-2015-030, Asphalt Specialties CO., Inc. Amendment Application (AM-2) Corrected Location for Notice Sent Feb. 3, 2023 (HC# 68694)

Dear Mr. Scott:

We received your revised letter dated February 06, 2023 initiating consultation with our office on the subject action pursuant to the Colorado State Register Act – Colorado Revised Statute (CRS) 24-80.1 et. seq.

A search of our database indicates that no properties of historical significance included or nominated for inclusion in the state register have been recorded within the proposed permit area. Please note, as most of Colorado has not been inventoried for cultural resources, our files contain incomplete information. Consequently, there is the possibility that as yet unidentified cultural resources exist within the proposed permit area. The requirements under CRS 24-80 part 13 apply and must be followed if human remains are discovered during ground disturbing activities.

Please note that if the fill or disposal site location is associated with a Federal undertaking, it is the responsibility of the federal agency to meet the requirements of Section 106 as set forth in 36 CFR Part 800 titled “Protection of Historic Properties”. This includes not only reasonable and good faith identification efforts of any historic properties located within the area of potential effects, but determining whether the undertaking will have an effect upon such properties. The State Historic Preservation Office, Native American tribes, representatives of local governments, and applicants for federal permits are entitled to consultative roles in this process.

We thank you for the opportunity to comment. If we may be of further assistance, please contact Holly McKee-Huth, Cultural Resource Information/Section 106 Compliance at (303) 866-4670 or holly.mckee@state.co.us.

Sincerely,

Dawn DiPrince
State Historic Preservation Officer