



September 26, 2024

Greg Geras  
Asphalt Specialties Co.  
345 W. 62<sup>nd</sup> Ave.  
Denver, CO 80126

**RE: Chavers Mining Resources, Permit No. M2015030, Technical Revision (TR-3), Adequacy Review 1**

Dear Mr. Geras:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced Technical Revision to ensure that it adequately satisfies the requirements of Minerals Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials. During review of the material submitted, the Division determined that the following issue item must be addressed before the Technical Revision can be considered for approval. Please provide the following:

1. Technical Revision No. 3 states that a 1.25-acre area along the northern boundary will be mined, but mining and backfill will occur *as soon as possible*. As previously discussed during the review of Amendment 2 (AM-2), approved in March 2024, this site lies within the 100-year Floodway and Floodplain of the South Platte River. Therefore, the operation must comply with the protective measures identified in the Urban Drainage and Flood Control Districts 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. Moreover, in the January 17, 2024, Adequacy Response to AM-2, the Operator states in Exhibit D that all future mining excavations within 400 feet of the South Platte River will be backfilled to pre-mining elevations within one (1) year of excavation.

Please affirm that the 1.25-acre area proposed to be mined is entirely within the AM-2 affected acres boundary depicted on Exhibit C-2 and will be backfilled within one (1) year of excavation.

Please submit your response to the above listed issue by October 8, 2024 in order to allow the Division sufficient time for review. If you cannot address the above issue by October 8, 2024, please request an extension to the decision due date to ensure adequate time for the Division to review materials. A decision due date of October 13, 2024, has been set. If any adequacy issues remain by the decision due date the Division may deny your request.



The Division will continue to review your Technical Revision and will contact you if additional information is needed. If you require additional information, or have questions or concerns, please feel free to contact me.

Sincerely,



**Nikie Gagnon**

Environmental Protection Specialist

Ec: Jared Ebert, Senior EPS, DRMS