

STATE OF
COLORADO

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Evans Mining Resource M-2024-056 Adequacy Review #3

1 message

Gagnon - DNR, Nikie <nikie.gagnon@state.co.us>

Tue, Feb 25, 2025 at 12:06 PM

To: Greg Geras <GregG@asphaltspecialties.com>, Sydney Connor <Sydney@lewicki.biz>, Ben Miller <ben@lewicki.biz>

Hello.

Please see the attached adequacy letter for the Evans Mining Resource application. As I discussed with Sydney this morning, the public notices list the incorrect section for the mine site. Unfortunately, when there is an error in a public notice, the applicant is required to publish and mail a new notice of the application.

Additionally, the permit boundary shown on the maps does not include the entire inlet/outlet structure, which is affected acres. If this changes the permit acres, you will need to submit an amendment application to the Division and place a copy with the County Clerk and Recorder, prior to re-noticing the public. This will start the application consideration process over. If you can make a minor adjustment to the boundary to keep the acres the same, *and* there isn't a new landowner affected, then you only need to update the maps as an adequacy response and an amendment application will not be required.

Once you review the letter, feel free to give me a call if you have any questions on this.

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Nikie Gagnon

Environmental Protection Specialist

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

Cell: 720.527.1640

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

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DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216

nikie.gagnon@state.co.us | <https://www.drms.colorado.gov>**M2024056_Evans Mining_Adequacy Letter 3_20250225.pdf**

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February 25, 2025

Greg Geras
Asphalt Specialties Company, Inc.
345 W. 62nd Ave.
Denver, CO 80216

Re: Evans Mining Resource, Permit No. M-2024-056, 112c Construction Materials Application, Adequacy Review #3

Dear Mr. Geras:

The Division of Reclamation, Mining and Safety (Division) reviewed the content of the applicant's Adequacy Review Responses submitted by Lewicki and Associates on February 10, 2025 for the 112c Permit Application for the Evans Mining Resource (File No. M-2024-056), and submits the following additional comments.

1. The Public Notice affidavit from Prairie Mountain Media lists incorrect information for the location of the site. The section should be 36 not 6. Additionally, the Division contacted the consultant, Lewicki and Associates, and determined the notice letter sent to adjacent landowners within 200 feet also lists the incorrect section. Therefore, the Per Rule 1.6.6, if the notice is in error, the Applicant shall be required to publish and mail a new notice of the application. Please rerun the newspaper notice for four consecutive weeks and send corrected notices to all owners of the surface and mineral rights of the affected land, and the owners of record of all land surface within 200 feet of the boundary of the affected land. All applicable deadlines shall begin to run anew based on the new newspaper publication date.
2. The Public notice states, "comment must be in writing and must be received by the Division of Reclamation, Mining, and Safety by 4:00 p.m., 20 days after the final publication of this notice." For clarity, please insert the due date for comments, rather than just stating 20 days after final publication.
3. Maps C-2, C-3, F-1, and G-1 depict the inlet/outlet structure in the northeast corner extending outside the permit boundary. Please redraw the permit boundary to show the entire structure within the affected acres and permit boundary and list the acres. If this changes the permitted acres, Per Rule 1.8.1, you will need to submit an amendment application to the Division and place a copy with the County Clerk and Recorder, prior to re-noticing the public for item #1 above. This will set a new decision date for the consideration of the application.



The Division continues to review the application and may send additional adequacy review letters. Please note that the decision date for this application is **March 14, 2025**. Based on the responses to Items 1 and 3 above, you will either need to submit an amendment application or request an extension of the decision date to allow time for the additional notification process and continued review of the application.

If you have any questions, please contact me by telephone at (720)527-1640 or by email at nikie.gagnon@state.co.us.

Sincerely,



Nikie Gagnon
Environmental Protection Specialist

Ec: Ben Miller, Lewicki & Associates
Sydney Connor, Lewicki & Associates
Jared Ebert, Senior EPS, DRMS