



March 19, 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 #5

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, and submits the following additional comments.

19. Exhibit S – Permanent Man-Made Structures (Rule 6.4.19):

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 shall 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. Please submit the signed/notarized structure agreements to the Division for each structure listed on Table S-1.

Applicant Response: No structure agreements were signed by the owners listed in Table S-1. If any agreements are received in the future, they will be provided to the Division.

Additional Comment: The Division reviewed Table S-1, the C-1 Baseline map, and the mailing receipts submitted to the Division in the adequacy response. Based on the Weld County Property Portal map, there are several residences, outbuildings, fences, utility structures, and groundwater wells located on the parcels listed below for which no evidence was submitted demonstrating an attempt was made to obtain a notarized structure agreement. Please revise Table S-1 to include all structures within 200 feet of the affected area and submit either a signed and notarized structure agreement for each or provide sufficient evidence that an attempt was made to obtain and agreement with the structure owners.

Parcels: R2747286, R2753286, R4378986, R8952790, R2751386, R2751486, R8962584, and R2747186

20. The applicant states, "In the event that a structure agreement is unobtainable, defer to the Geotechnical Stability Exhibit which indicates that all structures will be protected." A Geotechnical



Stability Exhibit was not included in the application package. Pursuant to Rule 6.4.19, the Division requires the Applicant to demonstrate that they attempted to obtain notarized structure agreements with all owners of the structures within 200 feet of the affected area of the proposed mine site. This attempt must be made prior to the Division's consideration of a stability analysis. Please provide this demonstration; this can be in the form of certified mailing receipts or similar documentation.

Applicant Response: The geotechnical stability exhibit and structure agreement mailing receipts are provided with this letter.

Additional Comment: Per Rule 6.5, the applicant submitted a Geotechnical Stability Exhibit which states that slurry walls will be 30-ft. away from the edge of mining. Map C-2 shows a minimum 20-foot setback from the edge of the slurry wall to mining and Map F-1 shows a minimum 10-foot setback from the slurry wall to the reclaimed pond. Additionally, the cross sections in C-3 show both, a 10-foot and a 20-foot setback. Please revise the maps and the cross sections to show minimum 30-foot setback from the slurry wall to the edge of mining consistent with the Geotech Stability Exhibit text.

Additionally, the Division is particularly concerned with the stability of the slopes on the east side of the Phase 6 area, adjacent to the Conover Property. Based on the Weld County Property Portal map, the adjacent property contains a residence, outbuildings, a driveway, and a groundwater well, within 200 feet of the affected area. Per Rule 6.5(2), please submit a slope stability analysis for the east side of Phase 6 and which addresses structures or facilities that could be adversely affected by slope failure in this area.

The decision date for this application is **April 30, 2025**. Please allow the Division sufficient time to perform another review of your responses prior to this date. If you are unable to provide satisfactory responses to any inadequacies, it will be your responsibility to request an extension of time to allow for continued review of this 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

