



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

June 19, 2019

Paul Martinez
Martinez Western Constructors, Inc.
718 Railroad Ave
Rifle, CO 81650

Re: Ducray Pit #2, File No. M-2019-035, Receipt of Construction Material Limited Impact (110) Reclamation Permit Application Package

Dear Mr. Martinez:

On Monday, June 17, 2019, the Division of Reclamation, Mining and Safety received the Construction Material Limited Impact (110) Reclamation Permit Application package for the Ducray Pit #2, File No. M-2019-035. A preliminary review of the information received determined that the Application Fee in the amount of \$1,258.00 must be received before the Division can consider the application filed and technical review can begin.

Your application will not be considered filed until the fee is received. A decision date will be established 30 days from the date of filing. Additionally, if you have already published notice you will need to republish notice, after the Division considers the application submitted. We will notify you when you should initiate republication of your notice.

As a reminder per MV-2019-009, the new permit application shall be filed within 30-days of the Board Order (May 22, 2019) which would be Friday, June 21, 2019.

The Division has also identified the following issue(s) of concern that shall be adequately addressed before the application can be considered for approval.

APPLICATION FORM:

*Note that the permit number assigned to this application is M-2019-035.

1.1) Type of Organization-Please update this to an organization type rather than the pit name

Per Rule

6.3.1 EXHIBIT A - Legal Description and Location Map



- (1) The legal description must identify the affected land, specify affected areas and be adequate to field locate the property. Description shall be by (a) township, range, and section, **to at least the nearest quarter-quarter section**, and (b) location of the main entrance to the mine site reported as latitude and longitude, or the Universal Transverse Mercator (UTM) Grid as determined from a USGS topographic map. A metes and bounds survey description is acceptable in lieu of Township, Range, and Section. Where available, the street address or lot number(s) shall be given. This information may be available from the County Assessor's office or U.S. Geological Survey (USGS) maps.

6.3.4 EXHIBIT D - Reclamation Plan

- (c) specify the measures that will be taken to revegetate the site, if applicable, including:
 - (ii) state at what point in the mining plan the site will be seeded. Explain how the seedbed will be prepared to eliminate compacted conditions (e.g., plowed, chiseled, disced). **State the type, application rate, and soil incorporation methods of fertilizer application, if any.** NOTE: Soil amendments shall only be applied where soil tests indicate nutrient deficiencies for the plant species to be established;
 - (iii) state the grass, forb, shrub and tree species to be planted and the applicable quantities. Specify the quantity of each grass and forb species as pounds of pure live seed per acre;
Xerox of attached seed mix is illegible, please attach a clean copy.
Also please clarify if the rates listed in the mix are for drill seeding or other.
 - (iv) specify the application method for grass and forb seeding. If the seed is to be broadcast, the application rate shall be twice the rate required for seed drilling. If the seedbed has not been adequately roughened prior to seeding, the seed shall be raked or harrowed after broadcast application;

Please clarify that the hydroseeding rate will be twice the drill seed rate

6.3.5 EXHIBIT E – Map

On all maps please correct the site name to Ducray Pit #2 and correct the permit number to M-2019-035 or remove the permit number entirely

6.3.6 EXHIBIT F - List of Other Permits and Licenses Required

Provide a statement identifying which of the following permits, licenses and approvals which are held or will be sought in order to conduct the proposed mining and reclamation operations: effluent discharge permits, air quality emissions permits, radioactive source materials licenses, disposal of dredge and fill material (404) permits, permit to construct a dam, well permits, explosives permits, State Historic Preservation Office clearance, 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.

6.3.12 EXHIBIT L - Permanent Man-Made Structures

Where the 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

Agreements sent to:

Mesa County-22 ½ Road

Mary Ann Sink Trust- West Fence

Jay Ducray-Leach field/septic, residence, water tap, new dwelling, driveway

River Place LLC-North, South, East Fence

Brian C Bennet- Home and Garage

Excel Energy-Overhead Electric line and pole

Please return the green cards as available. (b) engineering evaluation sufficient, signed agreements are not necessary

- (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

The Division will continue to review your application 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. Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203. Direct contact can be made by phone at 303-866-3567 Ext 8183 or via email at amy.yeldell@state.co.us

Sincerely,



Amy Yeldell

Environmental Protection Specialist

Cc:

Travis Marshall, Senior EPS, Grand Junction DRMS