



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

July 24, 2019

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

Re: Ducray Pit #2, File No. M-2019-035, Construction Material Limited Impact (110) Reclamation Permit Application, Adequacy Review #1

Dear Mr. Martinez:

The Division of Reclamation, Mining and Safety (Division) is in the process of reviewing the above referenced application in order to ensure that it adequately satisfies the requirements of the Colorado Land Reclamation Act for the Extraction of Construction Materials (Act) and the associated Mineral Rules and Regulations of the Colorado Mined Land Reclamation Board for the Extraction of Construction Materials (Rules). During review of the material submitted, the Division determined that the following issue(s) of concern shall be adequately addressed before the application can be considered for approval.

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.

The narrative portion of this exhibit needs to state the Qrt/Qrt section

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;



- (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 hydro seeding rate will be twice the drill seed rate provided in the seed mix

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.

Clarify what if any additional permits are required to complete final reclamation. Provide documentation when available.

6.3.9 EXHIBIT I- Proof of Filing with the County Clerk

Please place a copy of updates to the permit application at the Mesa County Clerk. Specifically responses to this adequacy review and your July 19, 2019 response

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

Structure agreement sent to the Mary Ann Sink trust did not explicitly say two fences on the western side. Please resend this notice.

A portion of 22 ½ Road owned by the City of Grand Junction has been identified as within 200 ft of the affected lands. Please send a structure agreement to the City of Grand Junction for 22 ½ Road. Their address is 250 N. 5th Street, Grand Junction CO 81501

- (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

No signed agreements have been returned. A sufficient engineering evaluation is required.

Public Notice

1.6.2(1)(e) Except for 111 Special Operation Permit applications, the applicant shall mail or personally serve a copy of the notice in Rule 1.6.2(1)(d) immediately after the first publication to: (i) all Owners of Record of the surface and mineral rights of the affected land; and (ii) the Owners of Record of all land surface within 200 feet of the boundary of the affected lands.

Proof of Notice has been provided to: Jay Ducray, Mary Ann Sink Trust, Brian C Bennett, Mesa County, and River Place LLC

Notices have not been sent to Justin Carver (2248 Saddlehorn Drive, Grand Junction CO 81507), City of Grand Junction (250 N. 5th St, Grand Junction CO 81501)

The Division will continue to review your application and will contact you if additional information is needed. The decision date for this application is July 30, 2019. Please send in your response as soon as possible.

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