



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

August 5, 2019

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

**RE: Ducray Pit #2, File No. M-2019-035, 110c Limited Impact Permit Application,
Comments/Objections Received-2**

Dear Mr. Martinez:

The Division of Reclamation, Mining and Safety (Division) received follow-up comments/objections (copies enclosed) to the above referenced application from:

1. Jon Sink on July 29, 2019
2. Mary Ann Sink Trust (Mary Ann Sink) on July 30, 2019
3. Susan Moyer on July 30, 2019
4. Jon Sink on July 30, 2019

The Division has identified any jurisdictional issues needing to be addressed in Adequacy Review #1 dated July 24, 2019. Please add these documents to your permit file records.

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



July 24, 2019
597 Ravenwood Lane
Grand Junction, Colorado
81507
Telephone number (970) 241-2685

RECEIVED

JUL 29 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Ms. Amy Yeldell, Environmental Protection Specialist
Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
Denver, Colorado 80203

Subject: File No. M-2019-035 (Martinez Western Constructors)
Application Received by the Division on June 17, 2019
Enforcement Actions Associated with File No. M-2018-018

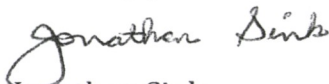
Dear Ms. Yeldell,

Per your request of July 24, 2019 a written telephone number is provided above and below. The public notice published on July 11, 2019 did not specify a requirement for a telephone number in order to comment on the subject application for reclamation only 110 permit.

It is unclear in your letter as to what is the difference between comments and objections. The DRMS had previously told me "all comments are treated as objections". Please clarify this ambiguity.

Thank you for assisting me in understanding the DRMS's process for this application for a reclamation only 110 permit.

Sincerely yours,


Jonathan Sink
(970) 241-2685

Cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G. Russell Means, DRMS

July 24, 2019
597 Ravenwood Lane
Grand Junction, Colorado
81507
Telephone number (970) 241-2685

Ms. Amy Yeldell, Environmental Protection Specialist
Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
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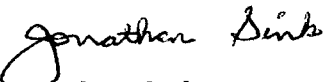
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G. Russell Means, DRMS

July 24, 2019
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Grand Junction, Colorado
81507
Telephone number (970) 241-2685

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Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
Denver, Colorado 80203

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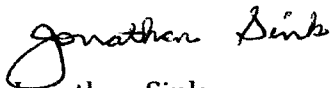
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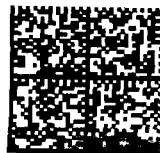


Jonathan Sink
(970) 241-2685

Cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G. Russell Means, DRMS

MR JON SINK
597 RAVENWOOD LN
GRAND JCT CO 81507-2619

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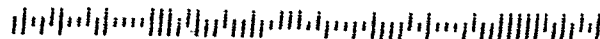
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JUL 29 2019

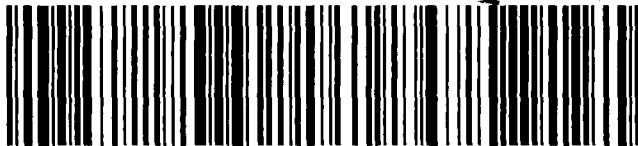
DIVISION OF RECLAMATION
MINING AND SAFETY

Ms. Amy Yeldell, ENVIRONMENTAL PROTECTION Specialist
COLORADO Division of Reclamation, Mining, and Safety
1313 SHERMAN Street, Suite 215
Denver, Colorado
80203

80203\$2243



USPS TRACKING NUMBER



9500 1265 3206 9205 4748 17

Mailing Address:
597 Ravenwood Lane
Grand Junction, Colorado 81507
(970) 241-2685
July 27, 2019

Location of property:
601 22 1/2 Road
Grand Junction, Colorado

RECEIVED

JUL 30 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

RE: Letter from the Division of Reclamation, Mining and Safety
(Division) Dated July 24, 2019
Permit: M-2019-035; Ducray Pit #2 (580 22 1/2 Road)
Operator/Applicant: Martinez Western Constructors, Inc.
& All Enforcement Actions Associated with File #: M-2018-018

Dear Ms. Yeldell

I am providing my telephone number (970) 241-2685. The requested information is provided in order for my comment received by the Division on July 16, 2019 to be processed as an objection. The Public Notice for Ducray #2 did not state to provide a telephone number.

Based on the attached letter from the Division dated October 24, 2018 my comment received by the Division on October 18, 2018 were processed as an objection (copy enclosed). Please process my comment received by the Division on July 16, 2019 as an objection. Thank you.

Sincerely,



Mary Ann Sink as Trustee
for The Mary Ann Sink Trust
(970) 241-2685

cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G Russell Means, DRMS

Enclosures: Attachment 1- Division letter dated October 24, 2018
Attachment 2 - Division letter dated July 24, 2019
Attachment 3 - The Daily Sentinel GJ Classifieds "Public Notice"
Attachment 4 - Rule 1.7.1(2)(c)

October 24, 2018

Paul Martinez
Martinez Western Constructors, Inc.
335 Village Dr.
Rifle, CO 81650



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Objection to a 110c Reclamation Only Permit Application, Ducray Pit, File No. M-2018-018

Dear Mr. Martinez:

On October 18, 2018, the Division received a timely objection to the above referenced permit application from the Mary Ann Sink Trust, dated October 17, 2018. A copy of the objection is enclosed for your records.

Please inform the Division how the Applicant will resolve the jurisdictional issues raised by the objecting party. Please ensure the Division has received the Applicant's response by Monday, October 29, 2018.

If you require additional information, or have questions or concerns, please contact Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, phone 970-254-8511, or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell
Environmental Protection Specialist

Cc:
Wally Erickson, Senior EPS, Grand Junction DRMS





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

1313 Sherman Street, Room 215
Denver, CO 80203

July 24, 2019

Mary Ann Sink
Mary Ann Sink Trust
597 Ravenwood Ln.
Grand Junction, CO 81507

**Re: Ducray Pit #2, File No. M-2019-035, 110c Construction Limited Impact Permit
Application, Receipt of Comment/Objection**

Dear Mrs. Sink,

On July 16, 2019, the Division of Reclamation, Mining and Safety (Division) received your comment regarding the Ducray Pit #2. Your comment was forwarded to the applicant on July 24, 2019. Any jurisdictional items not previously identified in the Division's incompleteness letter (June 19, 2019) will be addressed in Adequacy Review #1.

Please note that although your letter does not explicitly state that you object, all comments in opposition should be treated as such. The comment submitted on July 16, 2019 however does not meet the requirements of Rule 1.7.1(2)(c) as it lacks a phone number. Please provide the Division with the required information in order for the comment to be processed as an objection. Note that being an objector means that you are in opposition to the Applicant obtaining a permit and therefore being able to be complete reclamation as required by the Mined Land Reclamation Board.

If you wish for your objection to be treated as a general comment rather than an objection you must notify the Division in writing.

Please also be advised that all correspondence on this matter shall be made in writing through the Division's Denver office to be formally a part of the decision record.

If you require any additional information, or have questions or concerns, please feel free to contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by phone 303-866-3567 Ext 8183 or via email at lucas.west@state.co.us.

Sincerely,

Amy Yeldell
Environmental Protection Specialist

Cc: Travis Marshall, Senior Environmental Protection Specialist



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Ad Details

THE DAILY SENTINEL

Provided By: Grand Junction Daily Sentinel

Category: NOTICES - Legals

Description

PUBLIC NOTICE

Martinez Western Constructors Inc., 718 Railroad Ave., Rifle, CO 81650; has filed an application for a Construction Materials Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Ducray Pit 2, and is located at or near Section 6, Township 1S, Range 1W, 6th Colorado Prime Meridian. The proposed date of commencement is July, 2019, and the proposed date of completion is October, 2019. The proposed future use of the land is Residential. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Mesa County Clerk and Recorder's office; 200 S. Spruce St., Grand Junction, CO 81501, or the above named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on Monday, July 22, 2019.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

Published: July 11, 12, 2019.

Similar Listings

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- (1) The following Notice Rules and the notice requirements of Rule 1.6.2 also apply to applications for new 110 Limited Impact Permits.
- (2) The Office shall give written notice, by mailing, of the decision date for the application.
- (3) The Public Notice, as required in Subparagraph 1.6.2(1)(d), shall be published once.

1.6.4 Specific Provisions - 111 Special Operations Permit Application

The Office shall, upon filing, give notice by an expeditious method, of the decision date of the application.

1.6.5 Specific Provisions - 112 Reclamation Permit Application

- (1) The Public Notice, as required in Subparagraph 1.6.2(1)(d) shall be published four times, once a week for four consecutive weeks.
- (2) Within ten (10) working days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d) to the Office. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the paper. An application may not be approved until such proof has been obtained.

1.6.6 Conditions that Require New Notice to the Public

If a notice is in error or a change to the application is so substantial, as determined by the Office, that it affects any of the terms contained in the notice that was published in the newspaper or mailed to the owners of the affected and adjacent lands, or the change is an amendment to the application, the Applicant shall be required to publish and mail a new notice of the application. In the event that the Applicant is required to issue a new notice, all applicable deadlines shall begin to run anew.

1.7 SUBMISSION OF COMMENTS AND PETITIONS FOR A HEARING

1.7.1 General Provisions

114

- (1) Any person has the right to submit written statements supporting or objecting to any application for a permit or for an amendment, or revision of a previously granted permit. For a person to become a party, the person must meet the definition of a party as provided in these regulations. Any party may petition for a hearing on any application for a permit, or for an amendment or technical revision to a previously granted permit.
- (2) In order for statements supporting or objecting to an application, petitions for a hearing, and/or submissions to become a party to be considered timely, the following deadlines shall apply:
 - (a) In the case of a 112 Reclamation Permit Application, such written comments, protests, and petitions for a hearing must be received by the Office not more than twenty (20) calendar days after the last date for the newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.5(1). Written comments, protests and/or petitions must contain the name, mailing address and telephone number of the interested parties. The Office shall set the matter for a hearing before the Board upon timely receipt of a written objection, protest, or petition for a hearing under this Rule.
 - (b) In the case of a 111 Special Operations Permit application, any person directly or adversely affected or aggrieved by the Office's decision to grant or deny the 111 Special Operations Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11. The written appeal must contain the name, mailing address and telephone number of the person directly or adversely affected or aggrieved by the Office's decision.

- (c) In the case of a 110 Limited Impact Permit application, such written comments, protests or petitions for a hearing must be received by the Office not more than ten (10) days after the last date for newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.3(3). The written comment, protest and/or petition must contain the name, mailing address and telephone number of the interested parties. The Office may set the matter for a hearing before the Board upon timely receipt of a written petition for a hearing under this Rule, but in any case shall approve or deny the permit application within thirty (30) days of the date the Office considers the application filed according to the provisions of Rules 1.4.1(9), (13) or 1.8. If the Office does not set the matter for a hearing, any person directly and adversely affected or aggrieved by the Office's decision to grant or deny the 110 Limited Impact Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11.

- (3) If the Office receives any written objections to an application pursuant to the Subparagraph 1.7.1(2), the Office shall provide a copy of the objection to the Applicant within ten (10) days of receipt.

1.7.2 Specific Provisions - 110 Limited Impact Operations and 110(6) County Composite Operations

- (1) Comments shall be submitted in accordance with Paragraph 1.7.1.
- (2) To be considered, such statements must be received by the Office within ten (10) days after the last date of the Applicant's newspaper publication.

1.7.3 Specific Provisions -111 Special Operations Permit Applications

- (1) Comments, to be considered, must be received by the Office within five (5) working days after the application has been filed.

Mary Ann Sink Trust, Mary Ann Sink Trustee

Mailing Address:
597 Ravenwood Lane
Grand Junction, Colorado 81507
(970) 241-2685
July 27, 2019

Location of property:
601 22 1/2 Road
Grand Junction, Colorado

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

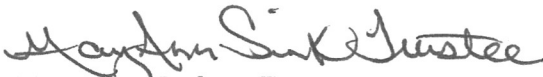
RE: Letter from the Division of Reclamation, Mining and Safety
(Division) Dated July 24, 2019
Permit: M-2019-035; Ducray Pit #2 (580 22 1/2 Road)
Operator/Applicant: Martinez Western Constructors, Inc.
& All Enforcement Actions Associated with File #: M-2018-018

Dear Ms. Yeldell

I am providing my telephone number (970) 241-2685. The requested information is provided in order for my comment received by the Division on July 16, 2019 to be processed as an objection. The Public Notice for Ducray #2 did not state to provide a telephone number.

Based on the attached letter from the Division dated October 24, 2018 my comment received by the Division on October 18, 2018 were processed as an objection (copy enclosed). Please process my comment received by the Division on July 16, 2019 as an objection. Thank you.

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Mary Ann Sink as Trustee
for The Mary Ann Sink Trust
(970) 241-2685

cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G Russell Means, DRMS

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Attachment 4 - Rule 1.7.1(2)(c)

October 24, 2018

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Division of Reclamation,
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Department of Natural Resources

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RE: Objection to a 110c Reclamation Only Permit Application, Ducray Pit, File No. M-2018-018

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Sincerely,

Amy Yeldell
Environmental Protection Specialist

Cc:
Wally Erickson, Senior EPS, Grand Junction DRMS





COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

July 24, 2019

Mary Ann Sink
Mary Ann Sink Trust
597 Ravenwood Ln.
Grand Junction, CO 81507

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Environmental Protection Specialist

Cc: Travis Marshall, Senior Environmental Protection Specialist



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Ad Details

THE DAILY SENTINEL

Provided By: Grand Junction Daily Sentinel

Category: NOTICES - Legals

Description

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Published: July 11, 12, 2019.

Similar Listings

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 - (b) In the case of a 111 Special Operations Permit application, any person directly or adversely affected or aggrieved by the Office's decision to grant or deny the 111 Special Operations Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11. The written appeal must contain the name, mailing address and telephone number of the person directly or adversely affected or aggrieved by the Office's decision.

- (c) In the case of a 110 Limited Impact Permit application, such written comments, protests or petitions for a hearing must be received by the Office not more than ten (10) days after the last date for newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.3(3). The written comment, protest and/or petition must contain the name, mailing address and telephone number of the interested parties. The Office may set the matter for a hearing before the Board upon timely receipt of a written petition for a hearing under this Rule, but in any case shall approve or deny the permit application within thirty (30) days of the date the Office considers the application filed according to the provisions of Rules 1.4.1(9), (13) or 1.8. If the Office does not set the matter for a hearing, any person directly and adversely affected or aggrieved by the Office's decision to grant or deny the 110 Limited Impact Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11.

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Mary Ann Sink Trust, Mary Ann Sink Trustee

Mailing Address:
597 Ravenwood Lane
Grand Junction, Colorado 81507
(970) 241-2685
July 27, 2019

Location of property:
601 22 1/2 Road
Grand Junction, Colorado

Colorado Division of Reclamation, Mining and Safety
1313 Sherman Street, Room 215
Denver, Colorado 80203

RE: Letter from the Division of Reclamation, Mining and Safety
(Division) Dated July 24, 2019
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Operator/Applicant: Martinez Western Constructors, Inc.
& All Enforcement Actions Associated with File #: M-2018-018

Dear Ms. Yeldell

I am providing my telephone number (970) 241-2685. The requested information is provided in order for my comment received by the Division on July 16, 2019 to be processed as an objection. The Public Notice for Ducray #2 did not state to provide a telephone number.

Based on the attached letter from the Division dated October 24, 2018 my comment received by the Division on October 18, 2018 were processed as an objection (copy enclosed). Please process my comment received by the Division on July 16, 2019 as an objection. Thank you.

Sincerely,



Mary Ann Sink as Trustee
for The Mary Ann Sink Trust
(970) 241-2685

cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G Russell Means, DRMS

Enclosures: Attachment 1- Division letter dated October 24, 2018
Attachment 2 - Division letter dated July 24, 2019
Attachment 3 - The Daily Sentinel GJ Classifieds "Public Notice"
Attachment 4 - Rule 1.7.1(2)(c)

October 24, 2018

Paul Martinez
Martinez Western Constructors, Inc.
335 Village Dr.
Rifle, CO 81650



COLORADO

Division of Reclamation,
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215
Denver, CO 80203

RE: Objection to a 110c Reclamation Only Permit Application, Ducray Pit, File No. M-2018-018

Dear Mr. Martinez:

On October 18, 2018, the Division received a timely objection to the above referenced permit application from the Mary Ann Sink Trust, dated October 17, 2018. A copy of the objection is enclosed for your records.

Please inform the Division how the Applicant will resolve the jurisdictional issues raised by the objecting party. Please ensure the Division has received the Applicant's response by Monday, October 29, 2018.

If you require additional information, or have questions or concerns, please contact Amy Yeldell at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, phone 970-254-8511, or via email at amy.yeldell@state.co.us

Sincerely,

Amy Yeldell

Environmental Protection Specialist

Cc:

Wally Erickson, Senior EPS, Grand Junction DRMS





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

1313 Sherman Street, Room 215
Denver, CO 80203

July 24, 2019

Mary Ann Sink
Mary Ann Sink Trust
597 Ravenwood Ln.
Grand Junction, CO 81507

**Re: Ducray Pit #2, File No. M-2019-035, 110c Construction Limited Impact Permit
Application, Receipt of Comment/Objection**

Dear Mrs. Sink,

On July 16, 2019, the Division of Reclamation, Mining and Safety (Division) received your comment regarding the Ducray Pit #2. Your comment was forwarded to the applicant on July 24, 2019. Any jurisdictional items not previously identified in the Division's incompleteness letter (June 19, 2019) will be addressed in Adequacy Review #1.

Please note that although your letter does not explicitly state that you object, all comments in opposition should be treated as such. The comment submitted on July 16, 2019 however does not meet the requirements of Rule 1.7.1(2)(c) as it lacks a phone number. Please provide the Division with the required information in order for the comment to be processed as an objection. Note that being an objector means that you are in opposition to the Applicant obtaining a permit and therefore being able to be complete reclamation as required by the Mined Land Reclamation Board.

If you wish for your objection to be treated as a general comment rather than an objection you must notify the Division in writing.

Please also be advised that all correspondence on this matter shall be made in writing through the Division's Denver office to be formally a part of the decision record.

If you require any additional information, or have questions or concerns, please feel free to contact me at the Division of Reclamation, Mining and Safety, 1313 Sherman St., Room 215, Denver, CO 80203, by phone 303-866-3567 Ext 8183 or via email at lucas.west@state.co.us.

Sincerely,

Amy Yeldell
Environmental Protection Specialist

Cc: Travis Marshall, Senior Environmental Protection Specialist



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THE DAILY SENTINEL

Provided By: Grand Junction Daily Sentinel

Category: NOTICES - Legals

Description

PUBLIC NOTICE

Martinez Western Constructors Inc., 718 Railroad Ave., Rifle, CO 81650; has filed an application for a Construction Materials Impact (110) Reclamation Permit with the Colorado Mined Land Reclamation Board under provisions of the Colorado Land Reclamation Act for the Extraction of Construction Materials. The proposed mine is known as the Ducray Pit 2, and is located at or near Section 6, Township 1S, Range 1W, 6th Colorado Prime Meridian. The proposed date of commencement is July, 2019, and the proposed date of completion is October, 2019. The proposed future use of the land is Residential. Additional information and tentative decision date may be obtained from the Division of Reclamation, Mining, and Safety, 1313 Sherman St., Room 215, Denver, Colorado 80203, (303) 866-3567, or at the Mesa County Clerk and Recorder's office; 200 S. Spruce St., Grand Junction, CO 81501, or the above named applicant. A complete copy of the application is available at the above-named County Clerk and Recorder's office and at the Division's office.

Comments concerning the application and exhibits must be in writing and must be received by the Division of Reclamation, Mining and Safety by 4:00 p.m. on Monday, July 22, 2019.

Please note that under the provisions of C.R.S. 34-32.5-101 et seq. Comments related to noise, truck traffic, hours of operation, visual impacts, effects on property values and other social or economic concerns are issues not subject to this Office's jurisdiction. These subjects, and similar ones, are typically addressed by your local governments, rather than the Division of Reclamation, Mining, and Safety or the Mined Land Reclamation Board.

Published: July 11, 12, 2019.

Similar Listings

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- (1) The following Notice Rules and the notice requirements of Rule 1.6.2 also apply to applications for new 110 Limited Impact Permits.
- (2) The Office shall give written notice, by mailing, of the decision date for the application.
- (3) The Public Notice, as required in Subparagraph 1.6.2(1)(d), shall be published once.

1.6.4 Specific Provisions - 111 Special Operations Permit Application

The Office shall, upon filing, give notice by an expeditious method, of the decision date of the application.

1.6.5 Specific Provisions - 112 Reclamation Permit Application

- (1) The Public Notice, as required in Subparagraph 1.6.2(1)(d) shall be published four times, once a week for four consecutive weeks.
- (2) Within ten (10) working days after the last publication or as soon thereafter as proof has been obtained, the Applicant shall mail proof of the publication required by Rule 1.6.2(1)(d) to the Office. Proof of publication may consist of either a copy of the last newspaper publication, to include the date published, or a notarized statement from the paper. An application may not be approved until such proof has been obtained.

1.6.6 Conditions that Require New Notice to the Public

If a notice is in error or a change to the application is so substantial, as determined by the Office, that it affects any of the terms contained in the notice that was published in the newspaper or mailed to the owners of the affected and adjacent lands, or the change is an amendment to the application, the Applicant shall be required to publish and mail a new notice of the application. In the event that the Applicant is required to issue a new notice, all applicable deadlines shall begin to run anew.

1.7 SUBMISSION OF COMMENTS AND PETITIONS FOR A HEARING

1.7.1 General Provisions

114

- (1) Any person has the right to submit written statements supporting or objecting to any application for a permit or for an amendment, or revision of a previously granted permit. For a person to become a party, the person must meet the definition of a party as provided in these regulations. Any party may petition for a hearing on any application for a permit, or for an amendment or technical revision to a previously granted permit.
- (2) In order for statements supporting or objecting to an application, petitions for a hearing, and/or submissions to become a party to be considered timely, the following deadlines shall apply:
 - (a) In the case of a 112 Reclamation Permit Application, such written comments, protests, and petitions for a hearing must be received by the Office not more than twenty (20) calendar days after the last date for the newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.5(1). Written comments, protests and/or petitions must contain the name, mailing address and telephone number of the interested parties. The Office shall set the matter for a hearing before the Board upon timely receipt of a written objection, protest, or petition for a hearing under this Rule.
 - (b) In the case of a 111 Special Operations Permit application, any person directly or adversely affected or aggrieved by the Office's decision to grant or deny the 111 Special Operations Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11. The written appeal must contain the name, mailing address and telephone number of the person directly or adversely affected or aggrieved by the Office's decision.

- (c) In the case of a 110 Limited Impact Permit application, such written comments, protests or petitions for a hearing must be received by the Office not more than ten (10) days after the last date for newspaper publication of notice of the application provided for in Rules 1.6.2(1)(d) and 1.6.3(3). The written comment, protest and/or petition must contain the name, mailing address and telephone number of the interested parties. The Office may set the matter for a hearing before the Board upon timely receipt of a written petition for a hearing under this Rule, but in any case shall approve or deny the permit application within thirty (30) days of the date the Office considers the application filed according to the provisions of Rules 1.4.1(9), (13) or 1.8. If the Office does not set the matter for a hearing, any person directly and adversely affected or aggrieved by the Office's decision to grant or deny the 110 Limited Impact Permit application and whose interests are entitled to legal protection under the Act may appeal the Office's decision pursuant to Rule 1.4.11.

- (3) If the Office receives any written objections to an application pursuant to the Subparagraph 1.7.1(2), the Office shall provide a copy of the objection to the Applicant within ten (10) days of receipt.

1.7.2 Specific Provisions - 110 Limited Impact Operations and 110(6) County Composite Operations

- (1) Comments shall be submitted in accordance with Paragraph 1.7.1.
- (2) To be considered, such statements must be received by the Office within ten (10) days after the last date of the Applicant's newspaper publication.

1.7.3 Specific Provisions -111 Special Operations Permit Applications

- (1) Comments, to be considered, must be received by the Office within five (5) working days after the application has been filed.

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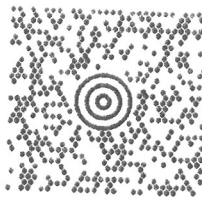
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MARY ANN SINK
(970) 241-2685
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GRAND JUNCTION CO 81505-8667

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July 28, 2019

Amy Yeldell

Environmental Protection Specialist

Colorado Division of Reclamation, Mining and Safety

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DIVISION OF RECLAMATION
MINING AND SAFETY

RE: Ducray Pit #2, File No. M-2019-035, 110c Construction Limited Impact Permit Application

Dear Ms. Yeldell,

I'm sorry I couldn't reply to your letter of July 24, 2019, more quickly, but I have been out of town for a conference.

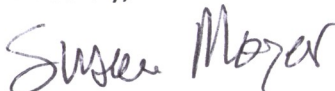
I would like to point out that I did not see any requirement for a phone number in the Public Notice and didn't realize that I should have read your regulations in order to have a complete submittal.

It concerns me that if my comments are considered as opposition, an after the fact permit (since the mining was done well before the public notice) may not be issued and therefore reclamation would not be required. This seems to encourage an operator to not obtain a permit prior to mining and therefore not be required to do any reclamation of the site. Is that with the Division is hoping to accomplish?

I can't fathom why a mining operation can encroach on a neighbor's property with no consequences. I realize that an ephemeral drainage is not a 'water of the United States' and therefore does not require a 404 permit from the COE, but I hope that the state would regulate disruption of natural drainages and potential addition of sediment to the Colorado River.

I wish my comments to be considered in development of a reclamation plan for the mined area. I fail to see why no permit=no mitigation in an after-the-fact permit request. The opposite would make more sense: no permit=additional mitigation.

Sincerely,



Susan Moyer

2233 Windsor Ct.

Grand Junction, CO 81507

970 242-5999 X

Susan Moyer
2233 Windsor Ct.
Grand Junction, CO
81507

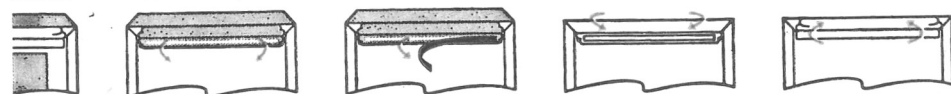
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DIVISION OF RECLAMATION
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State of Colorado
Division of Reclamation, Mining and Safety
Department of Natural Resources
1313 Sherman Street, Room 215
Denver, CO
80203

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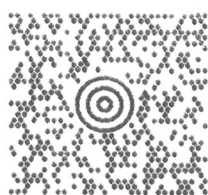
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Grand Junction, Colorado
81507

July 29, 2019

Ms. Amy Yeldell, Environmental Protection Specialist
Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
Denver, Colorado 80203

Subject: File No. M-2019-035 (Martinez Western Constructors)
Application Received by the Division on June 17, 2019
Enforcement Actions Associated with File No. M-2018-018

Dear Ms. Yeldell,

My written comments/objections submitted on July 18, 2019 in opposition to the subject application should be treated as objections.

My telephone number is (970) 241-2685.

Sincerely yours,



Jonathan Sink
Telephone number (970) 241-2685

Cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G. Russell Means, DRMS

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JUL 30 2019

DIVISION OF RECLAMATION
MINING AND SAFETY

597 Ravenwood Lane
Grand Junction, Colorado
81507

July 29, 2019

Ms. Amy Yeldell, Environmental Protection Specialist
Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
Denver, Colorado 80203

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Jonathan Sink
Telephone number (970) 241-2685

Cc: Travis Marshall, Senior Environmental Protection Specialist, DRMS
G. Russell Means, DRMS

597 Ravenwood Lane
Grand Junction, Colorado
81507

July 29, 2019

Ms. Amy Yeldell, Environmental Protection Specialist
Colorado Division of Reclamation, Mining, and Safety (DRMS)
1313 Sherman Street, Suite 215
Denver, Colorado 80203

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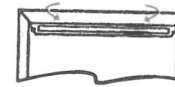
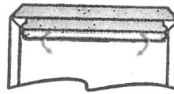
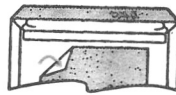
Jon Sink
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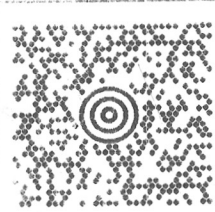
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