



August 30, 2019

Johnathan and Mary Ann Sink
597 Ravenwood Lane
Grand junction, CO 81507

RE: Ducray Pit #2, M2019035, Follow up of Telephone Conference Regarding Application Review Concerns.

Dear Mr. and Mrs. Sink,

Director Ginny Brannon and I would like to thank you for your time on the phone August 22, 2019. We wanted to hear your concerns directly regarding the permitting review process and issues for the illegal mining operation on adjacent lands known as the Ducray Pit #2 referenced above. As I noted, illegal operations do not fit timelines and processes that we normally deal with for regular mining applications. I believe I used the round peg and square hole analogy. To that end I will try to address some of your concerns.

You mentioned that in our Laserfische you saw a mail return receipt with no document attachments for the 15th of August, 2019. The return receipt is the document. It is our returned card showing a letter sent to the operator was received and is placed in the file as proof of service, nothing more.

We had a discussion on bonding. I want to make clear that any financial warranty the Division holds will not be released until reclamation is completed in full per the approved plans which includes establishment of a vegetative cover where required. DRMS staff will periodically monitor the site to ensure that the reclamation earthwork was done correctly and that vegetation is coming in as expected.

Per our conversation you mentioned a concern regarding stormwater. My review indicates the submitted plan includes berming and best management practices to direct site run-on to a retention basin. From there a constructed low point returns any overflow to the natural ephemeral drainage. This is consistent for the type of disturbance and the post mined land use of a residential area. If this were some other type of post mined land use, additional measures would be required. The final configuration of the site for any type of future building or construction will need to be reviewed and approved by local planning at that time. DRMS is looking for a stable site and the plan provides that. If over the course of monitoring reclamation any erosional issues are noted, the permit holder will be directed to repair them and possibly revise the plan to address mitigation.

Slope stability was another issue you brought forward in relation to a leach field and other areas. It is understood that there are three highwalls, two that are approximately four (4) feet high and another that is eight (8) to ten (10) feet. A review of the geo-technical report indicates that based on the height of the highwall, the natural material and the re-established 3:1 slopes, the disturbed areas meets the safety factors for DRMS. This report did not address adjacent historical highwalls. The report was



reviewed internally and found to be satisfactory. You may find the report in Laserfische. The document dated August 12, 2019, starting on page 13 of the 23 page document, contains the new engineer signed report.

You expressed a concern that the landowner could dig up or destroy any required reclamation. Any activities done after the permit is released obviously would be a matter for local jurisdictions. But, nothing unapproved in the DRMS plan can occur without modifying the reclamation plan.

It is noted you have concerns regarding the road into the property. Since this is an existing road DRMS determined it was not part of the required permit. Any required work on this road must be done through the County process. The County and landowner have acknowledge that. The County will be forwarded a copy of the DRMS final approval.

The fencing issue that you brought forward is a civil matter. Unfortunately DRMS does not have any jurisdiction on this issue.

While the Division acknowledges your concerns, my review indicates staff has followed the proper processes and review. They have worked with the applicant to meet the requirements of the Act and Rules and in doing so attempted to address your concerns that are within our jurisdiction. This permit application is a Mined Land Reclamation Board Ordered corrective action for mining without a permit and DRMS is finalizing its review and decision process to comply with that order.

If you have any questions, please contact me at (303)866-3567 ext. 8150 or via email at russ.means@state.co.us

Sincerely,

Russ Means
Minerals Program Director
Division of Reclamation, Mining and Safety

Cc: Travis Marshall, Senior Environmental Protection Specialist, GJFO
Cc: Amy Yeldell, Environmental Protection Specialist, GJFO
Cc: Paul Martinez, Applicant, Martinez Western Constructors Inc.