

September 1, 2019

Mr. Russ Means
Minerals Program Director
Colorado Division of Reclamation, Mining, and Safety (DRMS)

Re: Ducray Pit #2, M-2019-035, Questions Regarding Your Response of August 30, 2019

Dear Mr. Means,

Thank you for responding. The response did not address my concerns.

Please refer to my comments of July 17, 2019 (Laserfische document dated July 18, 2019), which fully explain my concerns and objections to issuance of a permit based on the most recent application submitted by Martinez Western Constructors. The objections are well supported by attachments including air photos that were taken right after the illegal mining occurred in March of 2018.

DRMS did confirm that the application becomes the permit once all items are adequately and accurately addressed. The most recent application submitted does not meet adequacy or accuracy standards. It appears that by interpretation, this illegal mining application is not being held to the same Mineral Rules and Regulations as a legal one. Why?

The application from Martinez Western Constructors has misrepresented important facts by not accurately showing the newly affected area. Areas that are newly affected will not get reclaimed if not identified, and slope stabilization would not occur in those areas. . Why is this being allowed?

What civil penalties is DRMS going to impose on the applicant for encroaching onto the 601 22-½ Road property?

Why is DRMS refusing to fully address adequacy of storm water retention controls?

All of the following information was requested from the applicant by DRMS during the application process. The applicant failed to provide it. There has been no follow up to obtain the information by DRMS. An adequate geotechnical stability study has yet to be provided. The relationship of the septic leach field to the newly affected area needs to be provided. Recorded easements need to be provided and owners contacted. A list of permits required (Mesa County Road Alteration Permit) has not been provided. The applicant claimed no permits were required. When is DRMS going to follow up and obtain the information requested from this applicant, as the application is incomplete? Why is DRMS not following its process?

How will it be assured the drainage issues are corrected for the haul road (22 ½ Road) unless this impact is documented in the permit and the financial warranty withheld until correction occurs? Why would this applicant reclaim this impact, unless a financial warranty or some other enforcement tool was utilized? This impact is a result of the illegal mining and should be included in the permit so Mesa County can resolve.

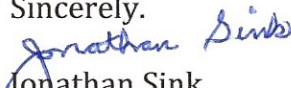
Why would DRMS not apply civil penalties to obtain corrective action for the fence damage? Why would DRMS abdicate their responsibility and not address fence damage in the permit, as the Mary Ann Sink Trust did not sign a structure agreement? Fence damage and encroachment occurred on October 30, 2018 when Martinez Western Constructors violated a Board Order (August 14, 2018) cease and desist and was onsite grading/leveling without a permit. A Geotechnical Stability Study had not been performed.

Please provide answers to my questions.

Please address all of my concerns/objections, so when a permit is issued, it will not misrepresent material facts; it will comply with the Mineral Rules and Regulations; and it will require adequate reclamation of all impacts.

Please contact me, if you have any questions.

Sincerely,


Jonathan Sink
(970) 241-2685

Cc: Ginny Bannon, Director

Cc: Travis Marshall, Senior Environmental Specialist, GJFO

Cc: Amy Yeldell, Environmental Protection Specialist, GJFO