

STATE OF  
COLORADO

Yeldell - DNR, Amy &lt;amy.yeldell@state.co.us&gt;

**Re: Ducray Pit**

1 message

**Yeldell - DNR, Amy** <amy.yeldell@state.co.us>  
To: Paul Martinez <pmartinez@martinezwestern.com>  
Cc: Travis Marshall <travis.marshall@state.co.us>

Wed, Dec 18, 2024 at 11:36 AM

Hi Paul

Sorry I missed your calls, I was on another call.

Mail the civil penalty to the address below and put the MV-2024-023 on the memo line.

DRMS  
1001 E 62 Ave, Rm 215  
Denver, CO 80216

As soon as the permit is back in good standing I will get the release request processed.

Thank you for working with us.

On Wed, Dec 18, 2024, 10:53 AM Paul Martinez <pmartinez@martinezwestern.com> wrote:  
Amy

Although i think this entire process was malicious and inconsistent with any representation of "Mining" I paid the annual fee today, it has not asked for penalty and I filled out the release request attached herein because i have no idea where to send it.

So i do not see a place to pay a penalty  
I do not know where the release form gets submitted

Respectfully

Paul Martinez  
Martinez Western  
970-989-5358

On Wed, Dec 18, 2024 at 10:19 AM Yeldell - DNR, Amy <amy.yeldell@state.co.us> wrote:  
Hi Paul,

Just want to send an email to follow up on our call earlier today. We want to make the process as easy as possible.

I last inspected the site in October of 2023 where I noted that reclamation had been completed and that release may be requested. The Division never received a release request so the permit stayed active which includes the Annual Fee and Report requirement.

On November 14, 2024 the Division sent an NOV since the 2024 Annual Fee and Report was not submitted. To date that letter has not been picked up from USPS. It's attached. The Board hearing is scheduled for January 15, 2025.

Like I stated on the phone, Division staff does not have the authority per the Act and Rules to release a site. The Operator has to request the release, then staff process that request. Unfortunately now that the compliance requirement is past due the site has to be brought back into compliance first.

You mentioned just letting the Division take the bond but we want to work with you. Here are the following steps to resolve the issue and terminate the permit.

1. ASPA completed the 2024 annual report map and fee \$323. And submit the Civil Penalty for MV-2024-023 \$323. A total of \$646
2. Submit a release request form, attached. I can also meet you on the site if you want to sign it and I'll file it.
3. Once the comment and appeal period expires you get the full \$6,447 bond back.

If you don't get the permit into compliance then we will have to proceed with enforcement. That means you will forfeit the \$6,447 bond and the civil penalties may be sent to collections.

Please let me know if there is anything else I can do to assist you in this process.

--

Amy Yeldell  
Environmental Protection Specialist  
Active Mines Program, Grand Junction Field Office



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

P 970-210-1272 | F 303-832-8106

101 S. 3rd St., Suite 301, Grand Junction, CO 81501

[amy.yeldell@state.co.us](mailto:amy.yeldell@state.co.us) | [drms.colorado.gov/](https://drms.colorado.gov/)

Physical: 1313 Sherman Street, Room 215, Denver, CO 80203

Mailing: DRMS Room 215, 1001 E 62nd Ave, Denver, CO 80216



# COLORADO

Division of Reclamation,  
Mining and Safety

Department of Natural Resources

1313 Sherman Street, Room 215  
Denver, CO 80203

## REQUEST FOR FULL OR PARTIAL RELEASE OF PERMIT AREA/SURETY REDUCTION

Please indicate if you are requesting:

FULL/FINAL RELEASE OF ENTIRE PERMITTED AREA (per Rule 4.17)



ACREAGE REDUCTION (PARTIAL RELEASE per Rule 4.17)



I wish to release 2.45 acres at this time.

You will need to submit with this request: a map showing the acreage to be released from the current permit and updated mining and reclamation plan maps that will accurately depict the new permit boundary if the release is approved.

SURETY (Bond) REDUCTION (per Rule 4.14)



If you are requesting a surety (bond) reduction you will need to include with this request a new estimate of the actual cost to reclaim the site based on what it would cost an independent contractor to complete reclamation, including unit costs for reclamation activities as appropriate to the operation to comply with the provisions of Rule 3.1 and the Permit's approved Reclamation Plan.

File No.: M 2019-035

Site Name: Ducray

County: Mesa

Permittee: Martinez Western constructors inc

Permittee Address: 409 county rd 265

(Street Address)

rifle

(City)

co

(State)

81650

(Zip)



Operator (If Other than Permittee): \_\_\_\_\_

Permittee Representative: Paul Martinez

Certified Mail # \_\_\_\_\_

In accordance with Rule 4.17.1(2) the Operator shall include the names, addresses and phone numbers of all owners of record to the affected land. Please attach additional sheets for this information if required.

Name

Address

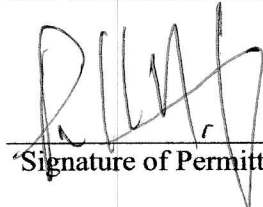
Phone Number

Jay ducray

580 22 1/2 road GJ Co

81507

In accordance with Rule 4.17.1(4), if requesting a partial acreage release the Operator or their agent MUST sign that they have complied with the following statement: "All applicable portions of the Reclamation Plan requirements have been satisfied in accordance with these Rules and all applicable requirements under the Act."



Signature of Permittee, Operator or their authorized agent

12/18/24

Date

**Important: In accordance with Rules 4.14.2(a) and 4.17.1(3) This release request must be submitted to the Division via certified mail and separate from any other correspondence to the Division.**